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International Court of Justice

Official Transcript of the International Military Tribunal in the Matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on Wednesday, 19 June, 1946, 1000-1700, Lord Justice Lawrence presiding.

THE MARSHAL: If it please the Tribunal, the report is made that defendant von Neurath is absent.

BY SIR DAVID MAXWELL FYFFE:

Q Just before we leave Mr. Messersmith, defendant, I want to ask you thr questions about the other countries in Southeastern Europe that Mr. Messersmith mentioned. Did you know that the German Foreign Office financed and directed the Henlein movement among the Sudetendeutsche?

A I do not believe that I learned of that at that time. In 1935 when this report was written, the Sudeten German question was not an actual problem.

Q When did you larn about it?

A Primarily here in this room.

Q I see. Did you know that the Reich was supporting M. Codrianu and the Iron Guard in Rumania?

A I believe that that was also much later.

Q You learned that sometime later than 1935, did you? When did you learn that?

A I cannot say; but I believe that these events of the Iron Guard in Rumania were about 1937. I could be mistaken, but I believe so.

THE PRESIDENT: Sir David, I think perhaps you have the microphone a little too near you.

SIR DAVID MAXWELL FYFFE: If your Lordship please, I am sorry.

BY SIR DAVID MAXWELL FYFFE:

Q Did you know that in 1944 you were discussed in a Reich state paper edited by the defendant Kaltenbrunner as being a possible person to do the same thing in Hungary, to arrange for Hungary's acquisition by the Reich, doing the internal work inside Hungary in order that Hungary should be acquired: did you know that?

A No. In the first place, I did not know it, and in the second place, may I say this? This is such an impossible idea. I was a close friend of the regent

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of Hungary, Admiral Horthy. In my interrogatory to Admiral Horty I asked him a question which he unfortunately did not answer because he did not remember. It says that in the fall of 1943 the Hungarian Minister of the Interior, Keresty-Fischer, handed in a document which showed that German or German Hungarian for wanted to bring about an incorporation of Hungary through a revolt. At the wis of Horty, I turned this document over to Mr von Riobentrop and asked him to t the necessary measures against it. That is all set down in the document, and the Hungarian minister of the interior will be able to confirm it.

Q You see my point. I do not mind whether you would have taken it or not The point that I am putting is that you were the choice. Don't you know that? You know the document I am referring to, D-679, with many comments by Kaltenbr in which you were discussed as being the possible person to do the internal wo in Hungary.

SIR DAVID MAXWELL FYFFE: My Lord, it is Page 78 of Document Book 11-A,GB

BY SIR DAVID MAXWELL FYFFE:

Q It is page 46 of the German document book, 11-A.

A Sir David, I went over this notice the day before yesterday after you submitted it here.

Q I will not trouble you with it if you only learned it here. The only point I want to know is this. Did you know in 1944 that you were being suggest in a German state document as being the person who might do the internal work Hungary in order that Hungary might be acquired by the Reich. If you say you d not know, I shall not trouble you with it any further. Yuo say you only knew t since the day before yesterday?

A Yes, And in the second place, it is historically known that I repeate opposed these efforts in Hungary which attempted in anyway to lead to occupati or to make Hungary a part of the German Reich. I considered that the most mista and most inconceivable policy possible.

Q I will not trouble you about the documents since you have not known, We will come to another point.

You remember Gauleiter Reiner, the gentleman with whom you had the fortitu tous, and I am sure very interesting talk, on the eve of the Anschluss, Dr. Reiner, the witness? I would just like you to look at Dr. Reiner's view of the position when you took over, and tell the Tribunal whether you agree with that.

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SIR DAVID MAXWELL FYFE: My Lord, it is Page 6 of Document Book 11; the document is 812 PS. It starts on Page 6 and the passage which I am going to refer to is on Page 8.

BY SIR DAVID MAXWELL FYFE:

Q Have you got the passage that begins: "Thus the first state of battle commenced which ended with the July rising of 1934. The decision for the July rising was right, the execution of it was faulty. The result was complete destruction of the organization; the loss of entire groups of fighters through imprisonment or flight into the 'Alt-Reich'; and with regard to the political relationship of Germany to Austria, a formal acknowledgement of the existence of the Austrian State by the German government. With the telgram to Papen, instructing him to reinstitute normal relationships between the two states, the Fuehrer had liquidated the first stage of the battle; and a new method of political penetration was to begin." Would you agree that that is a correct description of your work, "a new method of political penetration"?

A No, Sir David. That is a very mistaken description of my activity.

Q Well, if you don't agree with Dr. Reiner, tell me--you know the witness; you must know very well the witness, Dr. Paul Schmidt. You know him?

A Yes.

Q Very well. Now I think you will agree with me that he is one of the personalities against whom nobody had said a word during this trial. Do you agree? I haven't heard a word of criticism of Paul Schmidt. Don't you agree with me?

A Do you mean the witness -- the interpreter Schmidt or the Foreign Minister Schmidt?

Q Paul Schmidt, the interpreter.

A I will give you my opinion on that.

Q Well, do you agree that he is a trustworthy person or not? Do you say that he is not a trustworthy person?

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A As to the human qualities of Mr. Schmidt, I have no objections, but I have a great deal of objection to the fact that Mr. Schmidt, in an affidavit, permits himself to judge my diplomatic activity in Austria.

Q Well, before you explain it, just have a look at it. You will find Dr. Paul Schmidt's affidavit on Page 41 of Document Book 11-A; that is Page 37 of the German Document Book, Document 3308 PS. Now just listen to Dr. Paul Schmidt's view, Paragraph 8: "Plans for annexation of Austria were a part of the Nazi program from the beginning. Italian opposition after the murder of Dollfuss temporarily forced a more careful approach to this problem, but the application of sanctions against Italy by the League, plus the rapid increase of German military strength, made safer the resumption of the Austrian program. When Goering visited Rome early in 1937, he declared that union of Austria and Germany was inevitable and could be expected sooner or later. Mussolini, hearing these words in German, remained silent, and protested only mildly when I translated them into French. The consummation of the Anschluss was essentially a party matter, in which von Papen's role was to preserve smooth diplomatic relations on the surface while the Party used more devious ways of preparing conditions for the expected move."

Then, Defendant, so that we are being quite clear, he makes a mistake and it is a speech of Hitler's on the 18th of February to which, unfortunately, the translator has put your name. I am not relying on that. But what I do want to know whether you agree with is that it was your role" to preserve smooth diplomatic relations on the surface while the Party used more devious ways--". Do you agree with that as a correct description of your program, your mission in Austria?

A On the contrary, Sir David, the exact opposite is the case. My task in Austria I explained very clearly to the Tribunal.

Q I see.

A It was a task of pacification and normalization and a

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continuation of the policy of the growing together of the two states in an evolutionary way. And now may I say a few words more concerning this affidavit of Mr. Schmidt? At the time when the witness sat here in this chair we noted that this affidavit was placed before him when he was in the hospital after a severe illness, and this document was given him for his signature --

Q Well, with respect to that, the Tribunal will deal with it. We have heard all about it and Dr. Schmidt has been cross examined and I think you may take it that the Tribunal know everything about the circumstances of the affidavit. If you have anything to comment on the contents of it, I am sure the Tribunal would willingly let you, but you need not comment on the circumstances. That is all before the Tribunal.

A Very well. I will speak about the contents. I will state that Minister Schmidt, who later played an influential role with von Ribbentrop, in the years which are under discussion here had a completely subordinate position in the Foreign Office which did not make it possible for him to have any complete insight into conditions in Austria and into my policy and my reports.

Q Well, if that is so --

A That will be told you tomorrow or the next day by Mr. von Neurath.

Q Well, we won't argue that any further. The Tribunal ha the whole of Dr. Schmidt's record before them and the affidavit. Now you said you told the Tribunal about your conception of your mission in Austria. If that was your conception of your mission in Austria. If that was your conception, why was it necessary for you to get hold of the position of the explosive chambers in Austrian strategic roads? That was rather going back to the development of the "top hat" idea to which you objected so strongly, wasn't it? --Well, if you don't remember, let me remind you. It is Document D 689, Page 101.

SIR DAVID MAXWELL FYFE: The Tribunal will find the

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passage actually on Page 102, and it is 90 and 91 in the German version of Document Book 11 A, becoming GB 504.

BY SIR DAVID MAXWELL FYFE:

Q This is the opening of the Grossglockner Road, which, as you know, is a road of some strategic importance going from Salzburg to Corinthia. Do you remember that, after your description about the people being in Salzburg and singing everything except the Horst-Wessel song, and then the German drivers competing, and in the third and next paragraph you say: "The building of this road is without doubt a first class work of culture, in which Reich German constructional firms took the main and decisiv part. The Chief engineer of the Reich German firm which built the tunnel at the highest point offered to inform me of the position of the explosives chambers in this tunnel. I sent him to the military attache." That was your combining culture and showing the excellence of German road construction with obtaining the position of the explosives of the tunnel at the important strategic portion of the road. Why did you consider that of sufficien. importance to send it to Hitler with three copies to the Foreign Office?

A Sir David, I will give an exact report of the events and the inauguration of this road.

Q I don't really want that. The Tribunal can get that. What I am asking you is why you were sending to Hitler the fact that the Reich German engineer was disclosing to you the explosiv chambers on the important part of this road where this road could be blocked? Why were you sending that to Hitler? That is what I want you to tell the Tribunal.

A Because it seemed interesting to me that this man approached me and told me, there and there, this tunnel could be blown up. You know that at that time we had very tense relations with Italy and that Italy had mobilized on the Brenner border, a for that reason it seemed of interest to me that this new connection between Italy and Germany could be broken at any given time. Moreover, I referred the matter to my military attache because it did not interest me personally.

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Q. No, you had then moved out of the calss of doing that sort of thing yourself. You were the head of the mission and it was a matter for the military attache.

But, was that your plan, Defendant, that when you introduced German Kultur, as showing the road making, at the same time you were getting the strategic information which you could pass on to your government, undermining the Austrian Government's strategic plans to use the road?

THE PRESIDENT: The defendant said, did he not, that it was a road which joined Germany to Italy?

SIR DAVID MAXWELL-FYFE: Yes, my Lord. The road actually goes from Salzburg, which is practically on the German border, to Corinthia in South Austria, so it was a new highway, taking traffic north and south in Austria.

THE PRESIDENT: Did it actually connect Germany with Italy, or did it connect Austria with Italy?

SIR DAVID MAXWELL-FYFE: Austria.

BY SIR DAVID MAXWELL FYFE:

Q. Well, let's take something else in which you were interested. You were also reporting as to where the Austrian supply of munitions and manufacture of munitions were going to be situated, were you not?

A. I do not recall.

Q. All right, if you don't recall it, look at it yourself. It is Document D-694. You will find it a few pages on.

It is page 110, my Lord, in the English book, page 108 of the German book. It will become GB-505. Its date is the 26th of November 1935. It is page 110 and the passage that I am going to read is page 111.

Defendant, you ought to find it just at the top of page 112 of the German version. You are dealing with the influence of Herr Mandel, whose Jewish extraction you referred to, and they you go on to Price Starhemberg. It reads:

"After the manufacture of munitions for Italy had to be stopped in Hirtenberg because of Italian protests, he, Mandel, had loaded the entire factory on to the railway, in order to continue work in Italy."

Then, note the next words in brackets:

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"Incidentally, an interesting situation for Austria's supply of munitions.

Was that one of your conceptions of restoring normal relations, that you should report on the movements in the Austrian munitions manufacture?

A. No, that was not my task proper, but this report shows, Sir David, that I had a talk with the Polish Minister Gavronski who told me that this single munitions factory which existed in Austria was being moved to Italy, and I wrote that that was a remarkable circumstance, that a country was to get its munitions supplies from a foreign country. You must admit that that is a peculiar situation that one can write that in a report.

Q. That is your explanation. I won't waste time on it.

THE PRESIDENT: You gave us the date, but where does it come from?

SIR DAVID MAXWELL FYFE: My Lord, it came from Document D-694. That is a report of the defendant to Hitler, made on the 26th of November 1935. It is page 110 in Document Book 11A.

THE PRESIDENT: Yes, we have got that, but the date isn't on it.

SIR DAVID MAXWELL FYFE: No, my Lord, that is why I gave you the date.

THE PRESIDENT: How did you get the date?

SIR DAVID MAXWELL FYFE: My Lord, I looked it up in the original. Major Barrington did, that is. Your Lordship will see the date was left off. It came between one on the 11th of November and one in January.

THE PRESIDENT: Miscopied?

SIR DAVID MAXWELL FYFE: Yes.

BY SIR DAVID MAXWELL FYFE:

Q. Now, I want to pass -- and again I want to deal with it very quickly-- to your own personal experiences in Austria.

You remember when you went to the Salzburg festival in 1935, when you had been there about a year -- do your remember? I don't know because you probably went every year.

The point that I want to remind you of is this. Do you remember when you went there that 500 National Socialists greeted you with music and made such a demonstration that some other guests in the hotel wanted to telephone or telegraph to the Federal Chancellery to say that the German Ambassador had

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caused a great Nazi demonstration? Do you remember that?

A. Yes.

SIR DAVID MAXWELL-FYFE: My Lord, the reference to that is at page 102, Document B-689, which I have already referred to, page 102 of Document Book 11 A.

BY SIR DAVID MAXWELL FYFE:

Q. Well now, let me take another example. Do you remember the meeting of the Comrades of the First World War at Wells?

A. Yes.

Q. That was, if my recollection is right, in 1937, was it not?

A. Quite right, yes.

Q. And all the preparations had been made for a non-political meeting, reunion, of the Austrian regiments and old comrades from the German regiments, and after the meeting they were to have a sort of dinner or lunch together, and the evening was to finish in jollity and song. That was the program, wasn't it?

A. Yes.

Q. That meeting was addressed by General Flaise Horstenau and yourself?

A. Yes.

Q. General Glaise Horstenau -- without any disrespect to him -- I think you will agree made a not very powerful speech. That was your impression, wasn't it, a not very powerful speech? Interesting but not dynamic? Believe me, I am not being offensive to the general. I am merely trying to get the point.

A. No.

Q. You made a speech which lasted for quite a short time, didn't you. Do you remember?

A. Yes.

Q. After your speech, there was beating and shooting through the streets of Wells, wasn't there? There was a riot there, wasn't there?

A. Yes. May I tell you how that happened?

Q. Well, if you can. I wanted to establish the fact. You are perfectly

entitled now to give your explanation.

THE PRESIDENT: Is there a document on this?

SIR DAVID MAXWELL FYFE: There is no document on this.

A. A meeting had been arranged in Wells, a meeting of organizations of the old German army from the First World War, the so-called Warrior's Society, Kriegerverein, and the veterans' associations of Austria. It was absolutely legal and in the spirit of our joint policy that the mutual experiences from First World War should be renewed between these formations.

When this meeting took place, which, according to my wish and the wish of the Austrian Government, was to have a completely non-political character, the following resulted: When I arrived, the place where this meeting of veterans' associations took place, was surrounded by about 5,000 to 10,000 people. The Austrian Government, to receive its German guests, brought an honor guard company of the army, and when the Austrian band played the Austrian national anthem on my arrival, these 10,000 people who surrounded the place sang the German national anthem, for the melody is the same.

When, in the course of the celebration, I made a brief speech, it turned out that these thousands of people kept interrupting me. Of course, I immediately realized that the Austrian National Socialists had planned a big political demonstration here, and for that reason I broke off my speech, and shortly afterwards I left the place and left Wells.

It is quite true, as Sir David said, that when the celebration broke up and the Austrian police wanted to proceed against the thousands of persons who were demonstrating, very unfortunate incidents occurrred.

Q. Now, if that is your explanation, I have put the facts of the inciden

Now I want to pass to another point, because I can only give examples of your activities in Austria.

Before you heard the evidence of the defendant Seyss-Inquart, do you remember the phrase "the Trojan horse technique" being referred to with regard to Austria?

A. Yes. Seyss-Inquart himself did not want to lead the Trojan horse.

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Q. Yes, but before that, you know, you had referred to the Trojan horse technique.

My Lord, it is Document Book 11A, page 133. The passage I am referring to is from page 134. The document is D-706, which will become GB-506. It is page 163, Sergeant Major.

Q. That is your report on 21 August, 1936, where you quote an instruction of the Prague Secret Service to the Vienna branch, which says:

"It has unfortunately to be noted that the wild National Socialist excesses of July 29 of this year have not had the result we expected. Austria's reapproachment to the Third Reich in the field of foreign politics is making further progress, as well as the process of the cultural collaboration of the two sister nations. One can also assume from your most recent reports that the Trojan Horse of National Socialism is bringing over greater confusion into the ranks of the Fatherland Front and particularly into the ranks of the Heimatsschutz (Home Guard). Opposition to the normalizing of German-Austrian relations which is extremely dangerous to Austrian independence, appears nevertheless to be relatively very great; it obviously only lacks good organization".

Now, does that Czech report describe correctly what was going on, the superficial normalization of relations and the Trojan Horse movment working inside the country?

A. Sir Davis, that is the opinion of the Czech Secret Service and perhaps of the Czech government.

Q. May I remind you, defendant, that it is the opinion quoted by you in your report to the Fuehrer and not contradicted. There is not a word in your report suggesting that it is not the truth. In fact you say you introduce it -- "lastly to throw light on the present position in Austria".

You are introducing it as correct information for the Fuehrer, so you cannot, I suggest, write it off by saying it is merely a Czech report.

A. Yes. Let me point out that this report of of the 21 August 1936. That is one month after the conclusion of our July agreement, of which you asserted it was a treacherous manouver and of which we and the Austrian Foreign Minister thought it was a very seriously intended agreement. We are not on a completely different basis with Austria and for that

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reason I quoted this peculiar Czech report as an interesting document as to how, in spite of our efforts for normalization, the Czechs regard matters in Austria.

THE PRESIDENT: Are you leaving that document?

SIR DAVID MAXWELL FYFE: I was, my Lord.

THE PRESIDENT: What about the last paragraph?

SIR DAVID MAXWELL FYFE: If your Lordship pleases, I will certainly deal with that.

THE PRESIDENT: Page 134.

SIR DAVID MAXWELL FYFE: If your Lordship pleases.

BY SIR DAVID MAXWELL FYFE:

Q. It goes on to say:

"It appears hopeless and also impractical to us to strive to influence Austrian legitimism or the Heimwer movement. There are, on the one hand, comparitively strong elements in Austrian Catholicism who could, with certain reservations, be called democratic. These elements, which are gradually grouping themselves round the Freiheitsbund (Freedom Union) and which are inclined basically to work for an agreement with the Social Democrats, represent, in our opinion, that group which would under certain circumstances, be inclined to bring about a revolution in internal politics in Austria."

Did you put that forward as also representing your view?

A. Sir David, I explained very carefully to the Court yesterday the aims and the character of the Freiheitsbund and the Court knows from the report that the Czech government endeavoured to exert political influence on this Freiheitsbund. That is quite clear in this connection. This is all the Czech report.

Q. Then you were putting it forward, were you not, as your view to Hitler that, to speak loosely, the Catholic left might be used as a means of approach by you. That is really what you are saying.

A. But, Sir David, you want to accuse me of submitting a Czech report to Hitler and to identify my views with this report.

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Q. Yes, that is what I am accusing you of. If you write to the head of the state, "to throw light on the present position in Austria, I append an extract from a report--" then what I am suggesting is that that means this report accurately represents the position, as I see it. That is what I am putting to you.

A. No, another report which you also submitted to the Court shows that I asked Hitler to work against these efforts of the Czech government to exert influence on the Freitheits-bund.

Q. Defendant, you asked Hitler to give one hundred thousand Reichsmarks to the Freitheits bund. That is exactly what you are following out in what you have suggested here, that they might be a body who would be a useful point d'appin for you in order to gain an influence with another section of Austrian opinion. I am suggesting to you the two things are quite consistent. You tell Hitler that they are useful.

A. Yes.

Q. And you support them with one hundred thousand Reichs-marks. That is what I am putting to you.

A. Yes.

Q. That you were all the time burrowing under one section of Austrian opinion after another in order to work towards the suppression of the freedom of Austria. That is what I am put-ting to you. I do not think there is any doubt about it.

A. Sir David, that this report shows anything clearly it is the fact that, aside from the National Socialists in Aus-tria, there were other groups. There were the Christian Union and the Freiheitsbund who were for the union of the two coun-tries and worked for it politically, and you cannot accuse me as a diplomat, who wants to bring about such an aim in an evolutionary way, if I suggest that we assure the cooperation of those groups.

Q. There was not anything very evolutionary about the Tro-jan Horse, was there? However, that may be comment. Let us go

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on to another point.

Did you know Baron Gudernus?

A. No, I did not know him.

Q. You know that he was the closest confidant of the Archduke Otto. Do you remember?

A. Yes, that is shown in my report.

Q. Yes. Well now, let us just look and see what Baron Gudernus had to say.

SIR DAVID MAXWELL FYFE: Your Lordship will find that on page 39 and it is 72 to 75 of the German version, document 687 which will become GB 507. It is paragraph 2 (b) and it appears on page 74, defendant.

"Baron Gudernus, the closes confidant of the Archduke Otto writes--"

There is a mistake there, my Lord. The "me" should be "one".

"--one of my acquaintances on the 30 of March.

"...I took many a cheerful impression back with me from Austria about the progress of our movement, but I cannot deny that in some respects the policy of our government worries me greatly. Of what use is it that the ringleaders of February and July 1934, insofar as they got caught, are being sentences, whilst the government is too weak, too slovenly or intentionally too tolerant, to prevent brown and red propaganda being carried on in the cinema, in the press and on the radio and mainly by state officials or organs of the Fatherland Front supported and paid by the financial and other means which are pouring in in plenty from Germany. What is that learned idealist Schuschnigg actually doing? Does he not notice that Papen and the other brown agents in his own country continually spit into the hand he so consistantly offers them? He must not imagine that he can thus maintain and save Austria, whilst Hitler rules in a Germany which is painted brown on the inside and the outside. The methods over there have, it is true, become more clever and more careful--" this is about seven

months after your arrive "--but this makes them all the more dangerous. Terrible also are the continuous differences between Schuschnigg and Stahremburg--" and so on.

BY SIR DAVID MAXWELL FYFE:

Q. Now, is it not correct, defendant, that anyone, that everyone, even a visiting manarchist agent, knew that these activities were going on with you on the top and the Austrian National Socialist Party working underneath?

Before you answer, it is only fair to look at your own comment on that.

"The difficulties of the internal Austrian situation could hardly be described more clearly than in this letter."

Why did you not say to Hitler, if it was a fact "--Baron Cudenus is talking nonsense. I am carrying out a perfectly fours quare moral assignment, to normalize Austrian relations." Why did you not deny it, if it was not true?

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A It seems to me that this report shows, in the first place, that with complete frankness I passed on all these reports which I received to Hitler, even though it spoke of the adherents of the Hapsburg Restoration.

Q I am suggesting, defendant, that you passed them on because they were true; you adopted them and passed them on to Hitler because they were true reports; that that was a true picture of the situation. That is what I am suggesting to you. You just tell the Tribunal, were they true or were they not? If they were not true, why did you pass them on without saying they were not true? That is what I am asking you.

A If you read this report of Baron Gudemus, you will see that he speaks of internal conditions in Austria, and speaks of the existing difference between Schuschnigg and Starhemberg, the competition of their guards, and the remaining underground republican influences still existing.

Q Yes, that is three lines out of twenty. There is a lot more before you come to that part. That is what I am asking you about; the other seventeen lines of that report.

A Sir David, the points which I have just mentioned prove that it is the internal weaknesses of the Austrian government which I am reporting on. If you want to say that I should have explained to Hitler that I was no Brown agent, on 26th July we established very clearly under what conditions I had to carry out my work in Austria. I did not have to explain that to Hitler in a report. I sent this report merely for his information.

Q If that is your explanation, just look at the next paragraph of your letter. It shows in another way how you were working. Paragraph 3:

"The film 'The Old and the Young King'" -- The Tribunal may not remember, but you correct my recollection. That is a film, if I remember right, dealing with Friederich -- the relations of Friederich Wilhelm I and Friederich the Great. Am I right?

A Yes.

Q "The film 'The Old and the Young King' was shown here for the first time a few days ago in the presence of Mr. Jannings."

That is Emil Jannings, the actor.

"It provoked enthusiastic demonstrations. Particularly the scene where

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the king stresses the fact that 'French trash and Roman books do not mean anything to Prussia', led to vociferous demonstrations. The police wanted to resort to a ban. Together with Mr. Jannings, we explained to them that, should this film be prohibited, we would resort to the complete exclusion of the whole Austrian film production from Germany. This worked. The film -- except for the above mentioned part which was expunged -- is being shown now and will be shown on the screen at Klagenfurt and Graz within the next few days. Yesterday I received Jannings together with a number of actors from the Burg Theater as my guests. He said he was very satisfied with his success, and we discussed in detail the plan of a film of Bismarck for the production of which I recommended Bomelburg to him as the writer of the script."

That is, you were forcing a film which contained Prussian propaganda to be shown in Austria on the threat of excluding "Freulein Wessly" and "Maskerade", and the other Austrian films of that time from the German market; you were forcing your propaganda on the threat of excluding Austrian films; is that right?

A Yes, and I will tell you why. I must enlarge your historical knowledge of these things, Sir David. Friederich the Great, in relations between Germany and Austria, played a very important role. At that time we were trying in the relationship between our two countries to clear up the historical inaccuracies which had existed since the time of Friederich the Great. For this purpose, the famous Austrian historian, Professor Schubeck, had written a big work, and the film which is mentioned here served the purpose of showing that we had a great mutual German history which belonged to both peoples. For the cultural rapprochement of the two countries, I insisted that this film should be shown, and this was done.

Q I have not the slightest doubt about your motives in wanting the film to be shown, defendant, but what I am asking you is, Why you pressed it against the wish of the Austrian authorities by threat of excluding Austrian film production from the German market? Why did you threaten the Austrian authorities in that way?

A It occurred frequently that the Austrian police had misgivings about certain films; that they might be used for demonstrations, but after we had

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discussed this with the police and that certain parts should be eliminated from this film, they were quite read to admit the film, and of course, I also told them that if we did not reach an agreement, the consequences would be that Germany would not send any more films at all to Austria.

Q Well, again I put the point. Do you remember telling the Tribunal that you did not keep up contact with the NSDAP in Austria? Is that correct?

A No, it is not correct.

Q You did keep up contacts?

A Yes.

Q Close contacts?

A I did not understand.

Q Intimate contact? Were your contacts close?

A No.

Q Well, if they were not, will you just turn a page back. It is probably page 72 of your report. It is the same report.

SIR DAVID MAXWELL-FYFE: My Lord, it is page 93 of Your Lordship's book.

BY SIR DAVID MAXWELL-FYFE:

Q You began that report by saying:

"I have first to report on the development of the local NSDAP:

"On 23rd March, a complete agreement was reached in Krems between Captain Leopold, (Retd.) and Generaldirektor Neubacher. In accordance therewith, Neubacher subordinated himself to Leopold in every way and recognized him as Fuehrer for Austria. As soon as Schattenfroh is released from the concentration camp, he is to become deputy Fuehrer, while Neubacher, as the closest confident of Leopold, will be consulted on all important questions."

Furthermore, Leopold has nominated somebody else and asked him to be deputy, while:

"Major General Klupp, (Retd.) will be taken into consultation in strict confidence. Furthermore, Leopold expressed the desire that at long last, the continuous intrigues against him on the part of emigrees living in the Reich -- of the type of Frauenfeld and his ilk -- be stopped."

That is a pretty complete picture of the setup of the Party in Austria, wasn't it?

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A Yes, Sir David. May I call to your attention the fact that this report is dated 4 April 1935, at a time before the July agreement when my interest in those party affairs can still be readily understood.

Q Well, if you attach importance to the date, just look at the report of 1 September 1936, which is on page 33 of Document Book 11, page 26 of the German book. You remember this is the report which you referred to, and you said:

"As a guiding principle (Marschroute) I recommend on the tactical side continued, patient psychological treatment, with

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slowly intensified pressure directed at changing the regime."

You told the Tribunal that that meant you wanted a change in the officials of the Ministry of the Interior. I am not going to trouble about a statement like that, but just go on for a moment:

"The proposed conference on economic relations, taking place at the end of October, will be a very useful tool for the realisation of some of our projects In discussion with government officials as well as with leaders of the illegal party (Leopold and Schattenfreh) who conform completely with the agreement of July 11. I am trying to direct the next developments in such a manner to aim at corporative representation of the movement in the Fatherland Front."

Now, it is quite clear, is it not, that you were on 1 September 1936, after the agreement, having discussions with the leaders of the illegal party, Leopold and Schattenfreh, so may we take it -- I don't want to spend time on it -- that throughout your time in Austria, you were in close and constant touch with the leaders of the Austrian National Socialist Party?

A No, Sir David, the talk which you just mentioned refers to and is justified by the July agreement. I have already explained that to the Court yesterday. In the July agreement Chancellor Schuschnigg promised that members of the national opposition would be called upon for cooperation. As a result, it was of course my duty to be interested in whether and to what extent the cooperation of such forces was actually sought after by Schuschnigg. That was the subject of this talk with the Fuehrer, and I might state expressly that my contact with the Austrian Party, after the July agreement, was only in this connection.

Q I see. Well, I am not going to go into that further. I have referred the Tribunal to two documents, and there are other references which I need not worry about.

I want you to come now to November 1937. Could you fix as carefully and as closely as you can the date of your meeting with the defendant Seyss-Inquart at Garmisch?

A Yes, I met the defendant Seyss-Inquart by accident -- that is -- without pre-arrangement -- at the Olympic Winter Games at Garmisch-Partenkirchen in January 1938.

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Q January 1938. I just want to collate these dates. You had become very friendly with the Foreign Minister Guido Schmidt, who gave evidence here, had you not?

A I had very friendly relations with the Foreign Minister.

Q Yes, you gave him the "du", although you were twenty years his senior; you had given him the "du" for sometime? You had been on intimate relations? Is that right?

A I don't think that 20 years is a standard for a friendship. I regarded Mr. Schmidt as an upright and very sensible diplomat and man.

Q I think you will agree with me that it is unusual for an ambassador to be such terms with a Foreign Minister, especially one twenty years his junior -- not his contemporary -- on such terms that he used the familiar "du" to him. Won't you agree with me that it is a quite unusual form of intimacy between an ambassador and a foreign minister?

A Sir David, if you had ever been in Austria in your life, you would know that in Austria almost all the people say "du" to each other, and to clear up this incident, may I add the following.

On the day of our separation when I left Austria, I told Foreign Minister Schmidt, of whom I am very fond, "Dear friend, we have worked together so much, now we can say "du" to each other."

Q Now, what I am interested in is this: It was in November 1937 that you and Dr. Guido Schmidt first began to discuss the question of Herr von Schuschnigg meeting Hitler, was it not?

A I believe that I was with not only Foreign Minister Schmidt but Schuschnigg himself at that time.

Q Just a moment; will you answer my question? You discussed with Schmidt -- you heard Dr. Schmidt give his evidence that the defendant Goering had told him with great frankness, as the defendant Goering said he told everybody else and has told this Court, that he was out for the union of Germany and Austria by any means and at all costs. You heard Dr. Schmidt say that Goering had told him that that was his view, and I say, in all fairness, it is perfectly consistent. It is the view he has expressed here and apparently to a lot of other people. Do you remember Dr. Schmidt said that? You can take that from

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me.

A Yes.

Q We have heard that the defendant Goering said that not only to Dr. Schmidt, but to Mussolini and to the High Tribunal, and I think to several other people. Had he never said it to you?

A No, Sir David.

Q Did you know that it was his view?

A No.

Q You didn't know that was Goering's view?

A Please let me speak a minute. Of course, I knew that it was Goering's wish to bring about a union of these two states, and I myself was present at the talk with Mussolini.

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Please consider, however, that Mr. Goering at that time was not competent for foreign policy. The question of what policy should be carried on in Austria had been agreed upon exclusively between Hitler and me, and I do not recall that, in these years between 1936 and 1938, I discussed it with Marshal Goering.

Q. I am dealing with November of 1937 at the moment, and three months later the defendant Goering was very competent in foreign politics in the Austrian question, as you, who listened to the accounts of his telephone conversations, must know.

I just want you to take the dates as we have got them now. Goering had told Schmidt his views; you and Schmidt were discussing this meeting between Schuschnigg and Hitler. In January you had a political discussion with Dr. Seyss-Inquart at Garmisch.

I am one date out of order. On the 11th of November, as Mr. Dodd put to Dr. Seyss-Inquart, he had written a letter to Dr. Jury saying "I don't think anything will happen this year, but the developments will take place in the spring." Then, after that letter, he sees you at Garmisch in January, and in February you finally arrange this meeting between Schuschnigg and Hitler.

A. Yes.

Q. Didn't you know very well that the whole object of the meeting was to get Herr von Schuschnigg to agree to the Reich's wishes, the appointment of Seyss-Inquart, a general political amnesty which would release all the members of the Nazi Party in Austria and put them at the disposal of their leaders, and a declaration of equal rights for the Party? Didn't you know that the whole object of the meeting was to get Herr von Schuschnigg to agree to these terms so that you would have the Austrian National Socialist Party unfettered and free to work for Germany's interests in Austria?

A. In my talks with Dr. Seyss-Inquart in Garmisch-Patenkirchen we discussed the necessity of making the Austrian Nazi Party independend, that is, under all circumstances removing it from the influence of the Reich, in the form agreed upon in the treaty of July and in the intention that a union of our

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two countries would be suggested and urged from the Austrian side, so far as foreign policy was concerned, and not by the Reich.

When I met Seyss-Inquart in Garmisch there was no mention of this meeting between Hitler and Schuschnigg. I personally could not know at all at this time whether such a talk would ever take place. That was decided only on the 5th of February, as you will recall.

In other words, we discussed only the quite basic question of how we would go on.

You may further recall to your memory that Dr. Seyss-Inquart had been officially assigned by the Chancellor to investigate all ways which would be possible to incorporate the national opposition -- that is, the Austrian National Socialist Party -- into Schuschnigg's work. That was his official mission, and thus I had a right to discuss these things with him.

Q. Wasn't Dr. Reiner -- the witness that the Tribunal has seen -- wasn't he present at the Garnisch meeting too?

A. Please?

Q. Dr. Reiner?

A. It seems that that was the case, Sir David; I don't recall. Seyss-Inquart told me that it was possible that Dr. Reiner joined us on a walk. I personally do not remember. I did not carry on any political discussion with Reiner.

Q. Well now, you have given your explanation as of the turn of the year. I just want to remind you of one other point. You were very well aware of the von Blomberg and von Fritsch crisis in the Army, were you not? I don't want to go into disagreeable details again, because it is not at present before the Tribunal, but you knew that that crisis had arisen?

A. Yes.

Q. I am sure you will see the importance of this. General von Fritsch had been at the War Academy with you, had he not?

A. Yes.

Q. He was an old friend, and you knew -- as I think everyone who has mentioned his name in this court has said -- that General von Fritsch was a

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man of the highest character and that the sort of charge that was brought against him was one which anyone who knew him would regard with ridicule, if it wasn't so tragic and they would regard it with contempt? That was your view?

A. Absolutely.

Q. And you had a pretty good idea, had you not, apart from the treatment of Field Marshal von Blomberg, that von Fritsch had been the subject of a trumped-up charge in order to prevent him becoming head of the Wehrmacht? You knew that, didn't you?

A. In any case, I learned of it later.

Q. No, no, that is not the important thing, defendant; your state of mind on the 5th of February, 1938. You knew by then that the Nazi clique had brought a framed-up charge against a man whom you regarded as the soul of honor, did you not?

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A Yes.

Q Now with that knowledge, on the 5th of February, after you see Hitler, you tell him about the fact that von Schuschnigg may come, and he jumps to it at once. He says, "go and get Schuschnigg", doesn't he? He was quite bored, if I may put it that way, with what you had to say up to that point. As soon as you say there is a chance of a meeting with Schuschnigg Hitler seizes it like a trout to a May fly doesn't he, or rather, like a lion to the kill; that is right, isn't it?

A Yes, Sir David. I told the Court what impression the events in Berlin and my own dismissal on the 4th of February had made on me. It cannot be considered astonishing that I now tried--just because I was afraid another course would be taken--to bring about this discussion of the two Chiefs of State which had long been desired, because I hoped to clear up the differences and avoid a radical course. I told Foreign Minister Schmidt and Chancellor Schuschnigg that, when I asked both of them, if at all possible, to take part in such a clearing-up discussion.

Q Now, Defednant, I am not going to go through the circumstances of the meeting of the 12th of February because I went through them with the defendant von Ribbentrop and the Court are very well seized with them.

I want to ask you this one question, and I do ask you to consider it carefully because the question of your own veracity may depend on it.

Are you now saying that there was not pressure put on Herr von Schuschnigg at that interview?

A Sir David, I never asserted--you know that yourself, because it is in my report; I myself said that pressure was exerted.

Q What I am asking you is this, and please let me make it quite clear because the Court have heard the evidence of your friend Dr. Schmidt and a lot of other evidence. I only want to ask you the one question, and please get it clear.

Do you now, on this day, say that pressure was not put on Chancellor von Schuschnigg to make him agree to the terms of the 12th of February? That is the one question I want to ask you, and I give you the chance of answering. What do you say today? Was or was it not pressure put on Herr von Schuschnigg?

A Yes; I never denied it. I don't understand why you ask me that. I never denied it.

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Q The defendant Ribbentrop denied it quite strongly, but we won't go into that.

Now, one other question and then I am finished with Austria.

Did you arrange a meeting between Hitler and Cardinal Innitzer?

A Yes I did that.

Q Did you arrange that the leaders of the Church and the diplomatic corps, apart from the French and British representatives, should be present at Hitler's entry into Vienna?

A As for the church leaders, it is not customary for them to be present at parades, and I certainly did not suggest it.

Q Did you arrange for the diplomatic corps to be present?

A It is possible that some diplomatic colleagues asked me whether they could attend this celebration, and I told them "of course, why not?"

Q Well, I am not going to argue about the way you put it.

SIR DAVID MAXWELL FYFFE: My Lord, I have now finished with Austria. I have three very minor matters which I hope will take a short time, but this might be a convenient period in which to recess.

THE PRESIDENT: Yes.

(A recess was taken.)

BY SIR DAVID MAXWELL FYFE :

Q Defendant, are the Tribunal to take it that broadly you were against the anti-Semitic movement and propaganda ?

A I did not quite catch the question.

Q Are the Tribunal to take it that broadly you were against anti-Semetic action and propaganda ?

A On the contrary. It was my aim and my wish, and was the entire program of my work to have a union brought about between the two countries and to contribute as much as possible, for it was the wish of the German nation.

Q I do not think you can have understood my question. Let me repeat it . I am now coming to the Jews.

A Oh, to the Jews ?

Q Yes. Now, let me repeat it again. Are the Tribunal to take it that broadly you were against anti-Semitic action and propaganda ?

A Yes; I have already told the High Tribunal just what my basic opinion was towards the racial question and towards the question of the elimination of foreign influences in certain cultural aspects of public life. They are two entirely different questions, however.

Q Yes, I appreciate that. Now, will you look at Document 3319 PS,which is Exhibit GB 287 ?

SIR DAVID MAXWELL FYFE : My lord, it begins at Page 48 of Document Book 11-A. It is on pages 44 and 45 of the German book.

Q The part I want you to refer to is on Pages 58 and 59. This, defendant, is from a confidential report of the work session of the consultants on Jewish questions of the German missions in Europe, on the 3rd and 4th of April, 1944. I want you just to look at Page 44, I think, of the German version; Page 58 of the English, at the contribution to this discussion of a certain Herr Posemann, from Turkey. Was he from your staff ? If you would not mind, just say yes or no.

A Perhaps I may be permitted to tell you just who Mr. Posemann was.

Q I said, if you would tell me, was he a member of the embassy staff, and if not, what was he, that is what I want to know.

A No, not at all. Not at all. Mr. Posemann was the keeper of a book shop, a German who had settled in Ankara. But he was in no way connected with my embassy staff.

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Q I see. Well, at any rate, he was a consultant of the German Foreign Office for this discussion. Now, just listen to what he says :

"Early last year the Turkish Government carried out a blow against the Jews in connection with an attempt to solve the problem of minorities. Very vigorous procedures were used in the carrying out of this action. Suspicions of Allied circles that anti-Jewish measures alone were concerned were countered by Turkey with references to simultaneous measures against the minorities. At any rate, Turkey abandoned further measures towards a solution of the problem of minorities and therewith of the Jewish problem. For this reason, no anti-Jewish propaganda can be carried on under our direction at the present moment, since it is not desired and would be a burden on Turkey's present foreign policy. There are no anti-Jewish publications in Turkey, aside from caricatures and comic books about Jews. A dawning realization of the extent of International Jewish domination can be seen in the translation of the "Protocol of the Elders of Zion" and of Ford's book,"The International Jew". The marketing of these brochures and their distribution has been promoted by the Embassy. For the time being, only work within this narrow range is possible, since, as already has been emphasized, anti-Jewish propaganda that was obviously German-inspired might give rise to unfavorable political complications for us."

Now, do you believe in the " Protocol of the Elders of Zion " ? Do you believe it is a correct and authentic work ?

A Not at all, no.

Q Then why was the marketing of these brochures promoted by the embassy ?

A Perhaps I might be permitted to give a very brief explanation to the High Tribunal regarding the entire matter of this meeting. This meeting had been called by the Foreign Office, and to participate with the experts of the embassies and legations that had been specifically hired for dealing with the Jewish problem, or to concern themselves with the treatment of the Jewish problem. In my embassy there was no such expert for dealing with this problem, for I always refused to have a man like that.

Therefore, the Party, on their own accord, had instructed the keeper of the book-shop, Mr. Posemann, and had delegated him to attend this conference.

If Mr. Posemann here set forth that the embassy disseminated the propaganda brochures which are mentioned here, then he is gravely mistaken.

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For, first of all, the Turkish Government would never have tolerated a dissemination of material like that, and secondly, you, Sir David, can convince yourself today that all of these brochures are to be found in the basement of my embassy at Ankara. You can make sure for yourself.

Q So that this statement made at the Foreign Office meeting, you say, is wrong ?

A Yes.

Q You say that you are not a subject of that; that is your answer ?

I want to ask you one or two things about the Catholic Church. You remember the Fulda declaration of the bishops ?

A Yes.

Q That is right, is it not ? That was made and based on an assurance which Hitler gave to the Church of his good intentions, on the 23rd of March, 1933 ? Do you remember Hitler's making a statement like that ?

A Yes; not only on the 23rd of March. But with this declaration Hitler very specifically took the point of view that both Christian denominations would be the basis of any and all policy.

Q Now, that in turn was the result, at least in part, of a statement of yours at a cabinet meeting on the 15th of March, 1933, when you stressed the importance of incorporating political Catholicism into the new state; that is a correct and factual statement, is it not ? That is the way the thing works out ?

A Completely, Sir David.

Q Yes.

A I tried again and again to cause Hitler to establish this Christian basis of his policy, set forth in solemn statements, and I believe that I explained to the High Tribunal that I did everything possible, really, in order to establish this program.

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Q Now let me ask you to look once again at Document 11 A, Page 96; Page 78 of the German version, which is Document 2248 PS. It is your report to Hitler of the 20th July, 1935. Now in that report you use these words: "the clever hand which eliminates political Catholicism without touching the Christian foundations of Germany."

SIR DAVID MAXWELL FYFE: My Lord, it is on Page 99 of the English text and it is Page 86 of the German text. My Lord, it is the first paragraph, Page 99: "Cultural problems assume particular importance. The way in which Germany deals with political religious difficulties, the clever hand which eliminates political Catholicism without touching the Christian foundations of Germany will not only have a decisive effect on England or Catholic Poland, one can rather say that the solution of the German-Austrian question stands or falls with it." Now what I want you to bear in mind, this is your account to Hitler in July, 1935, over two years after the Concordate: "the clever hand which eliminates political Catholicism without touching the Christian foundations of Germany --". Now your counsel quoted one passage of His Holiness the Pope's allocution, and I would just like you to look and tell the Tribunal whether you agree with the next passage, which occurs after the bit quoted by Dr. Kubuschok.

SIR DAVID MAXWELL FYFE: My Lord, this is a new document -- no, My Lord, I am sorry. It is an old exhibit. It is Document 3268 PS, which is U.S.A. Exhibit 356. Your Lordship remembers that Dr. Kubuschok quoted a portion, in his document book, of the Pope's allocution. My Lord, I have some extra copies.

BY SIR DAVID MAXWELL FYFE:

Q Now after the bit which Dr. Kubuschok quoted as to the Concordate having prevented worse evils, His Holiness goes on to say: "The struggle against the Church did, in fact, become ever more bitter: there was the dissolution of Catholic organizations; the gradual suppression of the flourishing Catholic schools, both public and private; the enforced weaning of youth from family and

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Church; the pressure brought to bear on the conscience of citizens, and especially of civil servants; the systematic defamation, by means of a clever, closely- organized propaganda, of the Church, the clergy, the faithful, the Church's institutions, teaching and history; the closing, dissolution, confiscation of religious houses and other ecclesiastical institutions; the complete suppression of the Catholic press and publishing houses." Do you agree with His Holiness that that is a correct description of the action of the German Reich against the Catholic Church?

A Completely.

Q Well now, I would just like you also to look at the "Mit Brennender Sorge", which is Document 3280 PS.

SIR DAVID MAXWELL FYFE: Your Lordship will find it at Page 40 of Document Book 11 -- I am sorry, My Lord, it is Page 47. I said 40. It is 40 of the German text.

BY SIR DAVID MAXWELL FYFE:

Q Now, if you notice, that is quite early, on the 14th of March, 1937, four years after the Concordate, and he says in the second sentence -- well, at the beginning: "It discloses intrigues which from the beginning had no other aim than a war of extermination. In the furrows in which we had laboured to sow the seeds of true peace, others - like the enemy in Holy Scripture - sowed the tares of suspicion, discord, hatred, calumny, of secret and open fundamental hostility to Christ and His Church, fed from a thousand different sources and making use of every available means. On them and on them alone and on their silent and vocal protectors rests the responsibility that now on the horizon of Germany there is to be soon not the rainbow of peace but the threatening storm-clouds of destructive religious wars."

Now, Defendant, what I want you to tell the Tribunal -- do you agree with that?

A Yes.

Q If you agree with these statements of the head of the

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Church, how could you possibly write to Hitler, two years after the Concordate, in July, '35, that he had "eliminated political Catholicism without touching the Christian foundations of Germany." It was absolutely wrong, wasn't it, that Hitler and the Nazis had not touched the Christian foundations of Germany? They had uprooted them and were in process of destroying them?

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A. Sir David, you are confusing two completely different things, political Catholicism --

Q. Defendant, I don't want to interrupt you, but I have made that point quite clear. The point I am putting to you is not the elimination of politica Catholicism. I am not, for the moment, dealing with the relation between you and Msgr. Kaas. What I am dealing with is your other statement, that it had been done without touching the Christian foundations of Germany. What I am putting to you is what His Holiness is saying that the Christian foundations of Germany were being destroyed. I don't mind, for the moment about the views that Msgr. Kaas had of you or you had of Msgr. Kaas. I know what they are.

A. Perhaps I can explain these things to you. First the struggle against the Church and its institutions, against which His Holiness the Pope, in the years 1937 and '45 turns in his encyclical, and recognizing the intensification of the situation which obtained during the war, all of these things were an attack on the Christian foundations of Germany, an attack which I rejected most strongly all the time; but this has no connection at all with the elimination of the so-called political Catholicism, something which I hoped for and desired. These are two completely different things. Perhaps it is hard for you to understand, since you are not at home in Germany circumstances and in German situations --

Q. Please believe me, Defendant, that I have spent a great deal of time in pursuing the troubles between you and Msgr. Kaas. I am not going to bring them out before the Tribunal because they are not important. I appreciate and agree -- not as well as you do -- but I appreciate the position of political Catholicism and I am not asking you about that. I am asking you about your statement. Why did you say to Hitler that he had not touched the Christian foundations of Germany ? That is what I want to know. You must have known in '35 that that wasn't true ?

A. But, Sir David, you are distorting the things that are set down in this report. I am telling Hitler that the Christian foundations of Germany may not be touched and that is what is set down in this report : that the political Catholicism should be eliminated without touching the Christian foundations of Germany.

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Q. Well, you appreciate how it begins. You say that "clever hand which eliminates it without touching ---". Just let me remind you. Didn't you say, in your interrogation, that your trouble -- part of your trouble in the summer of 1934, before you made the Marburg speech, was due to the non-fulfillment of the Concordate, that after it had been signed of paper and I couldn't do anything". Then there was the persecution of the churches and the Jews at the same time. That was late in 1933 and '34. Your view was, in 1934, "that there had not only been treating of the Concordate as a scrap of paper but persecution of both the churches and the Jews "?

A. I do not know which document you are quoting from, Sir David.

Q. This is your interrogation on the morning of the 19th September 1945.

A. Yes, of course. It was my opinion when I delivered the Marburg speech that the State was violating all of these matters. Otherwise, I would not have made this speech; but in this speech, Sir David, I expressly emphasized that no European state can exist without a Christian foundation and that we were eliminating ourselves from the group of Christian peoples and that we were dispensing with or foregoing our Christian foundation. I couldn't have been more specific, could I ? And perhaps I can tell you something else which concerns political Catholicism. Referring to political Catholicism --

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Q Do as you want to. I especially want to avoid burdening the Tribunal with the exchanges between you and Msgr. Kaas, because both of you used harsh language and it might not sound very good if I repeated it now. If you want to go into it, do, but don't open it up unless you must.

A Sir David, this accusation which you are making against is one of the most tremendous, for it violates all of my opinions.

Q Defendant, you remember you told the Tribunal just before the adjournment that you had introduced Cardinal Innitzer to Hitler when you went into Austria. You remember the statement to which Dr. Kubuschok has referred, that Cardinal Innitzer in a broadcast from Rome made clear that he was only accepting the Nazi rule of Austria on certain conditions. Do you remember that?

A Yes, indeed.

Q Now, I would just like to see what happened to Cardinal Innitzer.

SIR DAVID MAXWELL FYFE: This is a new document, My Lord, D-903, which becomes GB-508. My Lord, this is a statement in the form of an affidavit from a priest Dr. Weisbacher, which I only got from Vienna on the 7th of June.

Q (Continuing): You will see that this priest -- well, at any rate I take it he is a priest; he is the Archbishop's secretary in the Cathedral chapter. Let's just look at it.

"On the 8th of October 1938" -- that is a little over six months after you had arranged for Cardinal Innitzer to meet Hitler -- a serious attack by young demonstrators took place in the Archbishop's palace in Vienna. I was present during it and can therefore describe it from my own experience."

Then he describes how they smashed window panes, broke in the gate. The priests took the huns into an inner room and hid them there. They took the Cardinal to safety in the personalia archive and locked the iron door behind him, and "Then we two priests, who saw ourselves opposed to a crowd of invaders, took up post at the door of the Cardinal's house chapel in order to prevent any destruction there at least."

My Lord, this is about ten lines from the foot of the page.

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"Shortly after we had reached the chapel, the first invaders stormed into the Cardinal's rooms which the chapel adjoins. Right at the door we warded them off. Pieces of wood were flung into the chapel; I received a push that caused me to fall, but we managed to prevent any entry into the chapel. The demonstrators were youths aged from 14 to 25, about a hundred of them. After we had warded off the first troop, we opened up the tabernacle and consumed the consecrated wafers so as to prevent the most holy from being descrated. But new invaders stormed up already, whom we warded off. In the meantime, in the remaining rooms an orgy of destruction that cannot be described took place against all the fittings. With the brass rods that held the carpet in place on the staircase the youths destroyed tables and chairs, candelabras and valuable paintings , particularly all crucifixes."

Then it describes the plate glass doors and son, and there was an alarm when the Cardinal was discovered. This priest himself was dragged from the chapel by about six people and dragged across the anteroom to the window with shouts of "We'll throw the dog out of the window."

Then, eventually the police came, and you will notice their idea of what was proper reparation.

"Then there came a police lieutenant colonel and apologised; then there appeared a representative of the Gestapo and expressed his regret, stating, however, that the police had not had much desire to intervene."

Then there was a further demonstration against the cathedral rector's house in 3 Stefansplatz, where they threw the cathedral curate Krawatik out of the window into the yard. This priest lay in the hospital until February with a fracture of both thighs.

Now I ask you to look at the penultimate paragraph:

"That the demonstration was not the result of youthful wantonness or the embitterment, but a well thought out plan known to official quarters is obvious from the speech of Gauleiter Buerckel who, on the 13th October in the Heldenplatz, represented the Cardinal as the guilty one in the nearest possible manner."

Now, Herr von Papen, you had a great responsibility in relation to Cardinal Innitzer, had you not? You had introduced him to Hitler. You must have learned from the ramifications and communications of the Catholic church

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of this attack on the Cardinal's house six months after the Anschluss, did you not? You must have learned of this.

A I heard about it later, yes, of course.

Q What protest did you make when you heard of this disgraceful attack on the principles of the church, the throwing of the cathedral curate out of the window and breaking both his thighs, the desecration of the chapel, the breaking of crucifixes? What protest did you make about it?

A I should like to remind you, Sir David, that for more than six months I had left my office, that I had nothing whatsoever to do with these matters. This incident was regrettable and was a criminal attack, but the details were not in the press, and I can tell you that I am seeing them for the first time here. But permit me to say the following as well --

THE PRESIDENT (Interposing): But, Defendant, you haven't answered the question. The question was: What complaint did you make about it?

THE WITNESS: No protest at all, My Lord, for I was in no official position at the time. I was just a private citizen at that time, and obviously all I learned about these things was what the German papers were permitted to publish at that time about these things.

BY SIR DAVID MAXWELL FYFE:

Q Oh, Defendant, surely you have told us that you were one of the leading Catholic laymen in Germany. You are not going to tell the Tribunal that in the Catholic Church it wasn't known to every bishop in Germany and probably to every parish priest that this abominable and sacrilegious insult had been offered to a Prince of the Church in his own house in Vienna. Surely it

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would permeate through the Church in a few days.

A That is quite possible, Sir David, but would you expect of me, a private citizen, to do anything special? What should I have done? The Tribunal perhaps is not cognizant of the fact that there was a discussion which I brought about between Cardinal Innitzer and Hitler, that I was responsible for that. You mentioned that fact for the first time here today.

Q That is exactly why I am putting this incident to you, that you were responsible for bringing about the meeting between Cardinal Innitzer and Hitler in March of 1938. When His Eminence was attacked in October, I should have thought -- it is not for me to express my thoughts -- that you might have taken the trouble to protest to Hitler, and all that you do is to take another job under Hitler within six months, in April 1939.

What I am asking you is why you didn't make a protest. You could have written to Hitler. The defendant Goering has expressed his great religious interests. A number of the other defendants have said that they had great religious sympathies. Why couldn't you have got in touch with them?

Since in the fall of 1938 I had retired from all political matters, I was living in seclusion in the country and did not concern myself with political matters at all. But perhaps I may be permitted to state just why I was responsible for bringing about a meeting with Cardinal Innitzer.

Q No, that is not the point that I am interested in at the moment, the meeting on the 15th of March. I am interested in the fact that this took place, you knew of it and made no protest.

Now I am going to come to another point. Dr. Kubuschok can raise it later on, if he wants.

Defendant, you have heard a number of your co-defendants giving evidence and saying that they didn't know of the terrible repressive measures that were taking place in Germany. You knew very well about these repressive measures, did you not? You knew about the action of the Gestapo, the concentration camps, and lat-

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you know about the elimination of the Jews, did you not?

A I only know as much as this, that in the years 1933 and 1934 political opponents were interned in the concentration camps and very frequently I protested against the methods of concentration camps. In various cases I was successful in liberating people from these concentration camps. But at that time it was not known to me that even murders had been committed in these concentration camps.

Q Well now, just let me take that up. It is good to get down to a concrete instance.

A Yes.

Q You remember that at the beginning of 1935 your secretary Herr von Tschirschky was ordered to return from Vienna to Berlin for examination by the Gestapo. Do you remember that?

A Yes, indeed.

Q And you remember that he refused to go and he sent you a detailed report of his reasons for not going? Do you remember that?

A Yes.

Q Just let us look at that together very shortly.

SIR DAVID MAXWELL FYFE: My Lord, that is Document D-635, which would become Exhibit GB-509, and your Lordship will find it at page 87 of Document Book 11 A, and it is at page 60 of the German version.

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BY SIR DAVID MAXWELL FYFE:

Q Now, at page 87 there is Herr von Tschirschky's own letter to you in which he says at the end of the second paragraph:

"I am not in a position to comply with the Gestapo demand to report to Berlin for interrogation."

And then he says that -- to quote his own words that he has been influenced only by the "human, understandable desire to live" and then he sends a report, he encloses a report to you of what had happened to him on the 30th of June which got him into the bad books of the Gestapo.

Do you remember that?

A Yes.

Q And summarizing the beginning of it, which would be almost humorous if it did not show such a dreadful state of affairs, your secretary, Herr von Tschirschky, was arrested simultaneously by two competing groups of Reich policemen, I think the criminal police and the Gestapo and there was a severe danger of Herr von Tschirschky and some of the police being shot before they could decide who was to take him into custody.

But I want you to come to when he is taken into custody.

SIR DAVID MAXWELL FYFE: My Lord, it is at page 89 and it is at the end of page 65 of the German version, defendant.

You see, this is after, I think, the Gestapo had won the internecine struggle and it got possession of the body of Herr von Tschirschky and then he says, just toward the end--My Lord, it is the middle of page 89.

He is told the other police are following the Gestapo and he says:

"This was finally done and the journey took us to the Gestapo building in the Prince Albertstrasse, through a courtyard to a back entrance. There another exchange of words took place between the two groups of criminal police officials. I again joined in this debate and suggested as a way of clearing up the misunderstanding that a man from each group should see someone in the building of higher authority, and let him decide what should be done. To guard myself and the other two gentlemen, there were still three criminal police officer and four SS men available. This way out was accepted. The men eventually came back and explained that the misunderstanding was now cleared up, we could be taken away. Whereupon we

were taken by three SS men, not accompanied by the criminal police officials, on a longish trip through the building into the basement. There wewere handed over without any comment and received the order from the SS men there, on duty, to go over and sit on a bench against the wall, in the passage. We were then forbidden to talk to each other and so we spent a few hours sitting on the bench. It would go too far to give further details about the events which took place during this time. I will therefore only limit myself to the case of the shooting of a well-known person publicly stated to have committed suicide.

"The personwas brought in and taken past us into a cell running parallel to our corridor, escorted by three SS men; the leader of the detachment was an SS Sturmhauptfuehrer, short, dark, and with an army pistol in his hands. I heard the command 'guard the door'. The door from our corridor to the other was shut. Five shots were fired and immediately after the shots, the Sturmhauptfuehrer came out of the door with the still smoking pistol in his hand, saying under his breath, 'That swine is finished.' Feverish excitement reigned round about; one heard frightened calls and shrieks from the cells. One of the SS men on duty, a comparative youngster, was so excited that he apparently forgot the situation as a whole and informed me, illustrating with his fingers, that the person concerned had been liquidated through three shots in the temple and two in the back of the head."

BY SIR DAVID MAXWELL FYFE:

Q You had a pretty good idea of SS and Gestapo methods after Herr von Tschirschky had given you that report, hadn't you?

A Yes, as you can see another --

Q Tell us, before we leave that elevating extract which I have just read, who was the well-known person who was supposed to have committed suicide and who was shot with three shots in the temple and two in the back of the head. Who was it?

A I cannot tell you, I do not know.

Q Do you mean to say that Herr von Tschirschky was on your staff for several months afterwards and he never told you who this was?

A I do not recall, Sir David, that he discussed this matter with me. Of course, I may have forgotten it, it is quite possible. In any event one of the -

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Q Just pause. You say you might have forgotten. Do you mean that dreadful occurrences like this were so familiar to you that you cannot remember the account of the actual shooting of a supposed suicide who was a prominent person?

Have another think. Cannot you tellthe Tribunal who this unfortunate man was?

A If I do recall I would be glad to tell you. I have no reason to conceal this information.

Q Well now, just let the Tribunal see how you passed this on to Hitler. You believed, did you not, that Herr von Tschirschky was telling the truth? You said so. You believed he was telling the truth, didn't you?

A Yes, of course.

Q Well now, will youlook at page --

SIR DAVID MAXWELL FYFE: My Lord, it is page 86 of the English version and defendant, it is 58 of the German book, page 58.

THE PRESIDENT: Sir David, are you going to investigate the facts as to what happened to the man who made this report?

SIR DAVID MAXWELL FYFE: My Lord yes, I will clear that up, I am so sorry.

BY SIR DAVID MAXWELL FYFE:

Q Defendant, just before we come to what happened when he made the report Herr von Tschirschky himself was---I think he went to a concentration camp and had his head shaved and then eventually after a certain period he was released and rejoined

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your service and was in your service up until February of 1935. Is not that so, defendant?

A Yes, that is quite correct.

SIR DAVID MAXWELL FYFE: I am sorry my Lord. That takes up the story until we come to February 1935. He is then asked to report to the Gestapo and then this correspondence takes place.

BY SIR DAVID MAXWELL FYFE:

Q Now, you see that iyour letter to Hitler of the 5 of February, which is document D-684, GB Exhibit 510, you say:

"As already reported yesterday by telegraph, I have conveyed to Herr von Tschirschky the order of the 2nd of this month repeating the demand that he appear on the date fixed by the Gestapo, 5th February.

"He then announced to me officially that he would not comply with this order as he was convinced that he would be killed in one way or another. He will marshal the reasons for this refusal in a report which I will submit as soon as I receive it.

"I yesterday finally relieved Herr von Tschirschky, whom I had already suspended for the course of the proceedings, of his post. It goes without saying that I shall break off all connections of an official nature as soon as tha handing over of files, etc. has taken place tomorrow."

Then you say you telegraphed the defendant von Neurath and you had given von Tschirschky leave. Then just look at the last paragraph.

"After I had repeatedly asked that Herr von Tschirschky should be given a chance to clear himself for a regular judge of the charges laid against him. I am naturally exceedingly sorry that the affair is now ending thus. I left nothing undone to induce Herr von Tschirschky to take the course designated to him of letting himself be examined by the Gestapo."

Defendant, is that right, that you left nothing undone to get this man in your staff sent to his death to be murdered by the Gestapo?

A I think it would be fair, Sir David, to call the attention of the High Tribunal to the other letters which show that I repeatedly, not only once, but repeatedly asked Hitler to have the matter of Tschirschky investigated through a regular judge.

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Q That is quite true and it was referred to in that letter.

A Yes, of course, but please let me finish --

Q Quite true.

A After this my proposal was turned down and the Fuehrer did not listen to me to have a regular court proceeding. Hitler let me know that he personally would use his influence and that he would assume the personal responsibility that nothing would happen to Mr. von Tschirschky if he was investigated by the Gestapo and that also you will find in this letter. The Fuehrer gave him impunity if he were to put himself at the disposal of the Gestapo and be investigated by them. Therefore, after regular court proceedings had been turned down or rejected and Hitler had promised that nothing would happen to Mr. von Tschirschky I asked Mr. von Tschirschky to submit to the investigation for the charges made against him had to be cleared up in some way. But I believe --

Q Would you turn back to your letter of the 31 January, which you will find --

THE PRESIDENT: Sir David, I think you should read the whole of this letter which you have just been on, the 5th of February, at some stage.

SIR DAVID MAXWELL FYFE: My Lord, I will. My Lord, I am sorry. My Lord, I do not want to omit anything but I am of course, trying to shorten the matter, but I will read anything your Lordship wants.

THE PRESIDENT: The Tribunal ought to be in possession of the whole letter. You stopped at the word "courier", in the middle with reference to reporting.

SIR DAVID MAXWELL FYFE: Yes, My Lord. With reference to reporting his dismissal to the Austrian Government:

"I am afraid that if I report it abruptly tomorrow, the matter will attract public discussion. I believe that this scandal should be avoided and thave, therefore, given Herr von Tschirschky sick leave for the time being, for the benefit of the public, and shall report his dismissal later.

"I shall return to the Tschirschky affair and its connections with other current Gestapo question in Vienna later in a detailed report."

My Lord, I am grateful.

THE PRESIDENT: You left off after the word "Gestapo" in the next paragraph.

SIR DAVID MAXWELL FYFE: Yes, I will read the whole thing again. "After I had repeatedly asked--"

THE PRESIDENT: No, you had read that down to "Gestapo", but you did not go on with it.

SIR DAVID MAXWELL FYFE: "But if he remains firm in his resolve to avoid this examination, even though he knows that this means the ruin of his social and material position for himself and his family, and if he has declared to me that, while an emigre he will do nothing which would be harmful to the Fuehrer and the country, I have nothing to add but the wish that everything should be avoided that could make this affair am open scandal."

I am grateful, My Lord.

BY SIR DAVID MAXWELL FYFE:

Q. Now, defendant, you had said to Hitler on 31 January which was five days before, -- page 84 My Lord and the foot of page 55 and the beginning of 56 of the German book --

"Herr Tschirschky, whom incidentally I have, for the time being, relieved of his duties, has not learned from several sources which he and I also, unfortunately, regard as authentic, that some persons belonging to the Gestapo have for a considerable time been planning to neutralize him."

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SIR DAVID MAXWELL FYFE: My Lord, that will be D-683, GB 511.

BY SIR DAVID MAXWELL FYFE:

Q. You believed that it was authentic on 31 January that the Gestapo wished to neutralize him. On 5 February, in the part that the Tribunal just asked me to read, you say that it will be the ruination of his social and material position for himself and his family, but if the thing is kept quiet, your wish is that everything be done to avoid a scandal.

Now, defendant --

A. My wish was first of all that everything should be done in order to have the matter cleared in a public and in a regular court proceedings.

Q. That was your first wish, but you very soon gave that up.

A. Just a moment please. After Hitler did not agree to my wish, and after he had determined that von Tschirschky in an investigation by the Gestapo would enjoy the personal protection of Hitler, and after Hitler had agreed to that -- If the head of the State will tell me, "I will be responsible for the fact that nothing will happen to Mr. von Tschirschky," then, naturally, you will grant me that I can not act differently than to tell Mr. von Tschirschky, "Take this course and let yourself be examined, for after all you have to clear yourself of the suspicion which is a shadow on you."

Q. Defendant, let me remind you that there is not a word in your letter of 5 February about any promise from Hitler to give an indemnity to Herr von Tschirschky. All that you are saying is that he will disappear into disgrace. There is nothing in any other letter either.

A. Yes. You can find it in a letter of Tschirschky's, and I will find it. I don't find it at the moment.

Q. Well, if you can find anything about an indemnity, I can only tell you that I have not been able to find it in any of your letters.

A. Yes, there is.

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THE PRESIDENT: Perhaps the defendant could look for this document at the recess, at one o'clock.

SIR DAVID MAXWELL FYFE: Yes, very well. My Lord, if there is such a document, I am very sorry; I don't know about it.

Yes, My Lord; I am sorry. I think I have got the

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reference. On page 91, My Lord. It is not in the defendant's letter, but there is a reference in Herr von Tschirschky's report. On page 91, My Lord. Page 69. It says:

"In conclusion, the reason why I do not feel obliged either to appear before the Gestapo or to return to the Reich at all, in spite of the extraordinary protection promised me by the Fuehrer and Chancellor, I make the following declaration:

"Already during my activities in Berlin, information has often reached me that there existed in the Reich a Terror organization which has sworn the oath of mutual allegiance until death. The men who are or who may be accepted in this brotherhood are expressly warned and given the obligation that they belong to the F.E.M.E. and that they are in duty bound when carrying out their tasks to feel that they belong in a far greater degree to the brotherhood and are only bound to Adolf Hitler in a smaller degree. I could not have believed this monstrous thing, had the information not been given me about six months previously by a man in the Reich -- I wish to emphasize this explicitly -- who is not opposed to the Third Reich, but quite the opposite, a man who in his innermost convictions believes in Adolf Hitler's mission, a Reich German National Socialist of many years standing, who himself at one time was to be won over into this brotherhood but who was able to withdraw from it cleverly. This man has assured me of his willingness to expose publicly the names mentioned to me of the members of this brotherhood, or to w swear an affidavit to this effect in case these people should already be dead. He must only be assured that this Terrorist brotherhood can no longer be effective, especially as there are persons belonging to this brotherhood who are among the people who count as being the most trusted of the Fuehrer and the Reichschancellor."

I am sorry; I knew there was nothing in the letters from the defendant, but I had forgotten that there was this passage in the letter.

BY SIR DAVID MAXWELL FYFE:

Q Now, that was von Tschirschky. You have told us that Baron von Ketteler was murdered at the end of your time in Vienna. Baron von Ketteler's father was murdered, if my memory is right, and that caused the German expedition against the Boxers in China. That is the family the gentleman

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belonged to, is it not?

A Yes.

Q Now, the effect of this, the murder of von Ketteler, on you after the experience with von Tschirschky was that you were ready to take new employment under the Nazi government in Turkey.

There is just one other point that I want to put to you.

A May I perhaps make just a few remarks on this point?

Q Herr von Papen, I will finish on that because I think we have the other reference to Marchionini's affidavit, and then you can make all the other remarks you like.

Why didn't you after this series of murders which had gone on over a period of four years, why didn't you break with these people and stand up like General York or any other people that you may think of from history, stand up for your own views and oppose these murderers? Why didn't you do it?

Now you can give your explanation.

A Very well. You can see from this report by von Tschirschky about these murders that I submitted this report to Hitler, and I submitted this report in all its details, but what you do not know is the fact that I frequently told Hitler personally that such a regime could not possibly last in the long run, and if you ask me, Sir David, why despite everything I remained in the service of the Reich, then I can say only that on 30 June I personally broke the relations and the agreement which I had entered into on 30 January. From that day onward I did my duty, my duty to Germany, if that matter interests you.

Of course, I can see quite clearly, Sir David, that today after all the things that we know today about the millions of murders which have taken place, that you consider the German people a nation of criminals, and that you cannot see, that you cannot understand that among these people there are patriots as well. I did these things so I could serve my country, and I should like to add, Sir David, that up until the time of the Munich Agreement, and even up until the Polish campaign, even the major powers tried, even though they knew everything that was going on in Germany, they tried to work with this Germany. Why do you wish to hold it against a patriotic German that he did the same thing and that he hoped the same thing -- the same thing that the

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major powers expected and hoped for?

Q The major powers had not had their servants murdered, one after the other, and were not close to Hitler like you. What I am putting to you is that the only reason that could have kept you in the service of the Nazi government when you knew of all these crimes was that you sympathized and wanted to carry on with the Nazis' work. That is what I am putting to you -- that you had this express knowledge; you had seen your own friends, your own servants, murdered around you. You had the detailed knowledge of it, and the only reason that could have taken you on and made you take one job after another from the Nazis was that you sympathized with their work. That is what I am putting against you, Herr von Papen.

A But, Sir David, that perhaps is your opinion; My opinion is that I am responsible only to my conscience and to the German people for the desire to remain, and I shall accept that responsibility.

SIR DAVID MAXWELL FYFE: My Lord, I have finished.

(A recess was taken until 1400 hours)

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AFTERNOON SESSION

(The Tribunal reconvened at 1400 hours, 19 June 1946)

FRANZ VON PAPEN -- Resumed

THE PRESIDENT: Had you finished, Sir David ?

SIR DAVID MAXWELL FYFE: Yes, my Lord, I had finished.

THE PRESIDENT: Did any of the other prosecutors wish to cross-examine ?

(No response)

Dr. Kubuschok ?

REDIRECT EXAMINATION

BY DR. KUBUSCHOK:

Q. In the cross-examination yesterday it was pointed out to you that in your report to Hitler of the 27th of July, 1935 -- British document book 11-A, page 79 -- you point out that, according to legal ascertainment, leading Reich German personalities had a part in the violent methods in Austria in July of 1934. In this connection you mentioned the name Habicht. I should like to receive some information about the personality of Habicht. Was Habicht a Reich German ?

A. Habicht was a Reich German and had his headquarters in Munich. He was Provincial Inspector, Landesinspekteur, of all the National Socialist Party in Austria. That means the following:

The Austrian Party had, in Austria, a Gauleiter, but from Munich, from the Reichsparteileitung, the head of the Party, the Asutrian Party was directed by a Landesleiter, or by a Landesinspekteur, who was especially appointed for this purpose. This was Habicht. Since this man had charge of the whole Austrian party, his position in the Party was, of course, called a leading position. One could not call him a liaison officer, but a leading Reich German personality.

Q. In corss-examination yesterday various letters were submitted to you, which you wrote to Hitler between the 4th and the 17th of July 1934. These letters should be gone into more closely. What was the purpose of the letters?

A. I am glad to have an opportunity to go into this correspondence once more. One must consider the situation which existed at that time: Bose shot three co-workers arrested; great excitement; every one who was in any way

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in opposition was under suspicion of being connected with this SA revolt. It was similar to the situation after the 20th of July 1944.

Therefore the first goal was, through legal proceedings, to clear up the Bose case, as well as the other cases. I demanded that in my first letter of the 4th of July. I also demanded this rehabilitation in further letters that we were not in any connection with the SA conspirators.

Q. In the letters you assure Hitler of your loyalty. Is this not astonishing after the events of the 30th of June ?

A. It may seem astonishing to an outsider, but not to a person who knew the almost hysterical mood of those days, because at that time everyone who had been in any opposition at all, or who had criticized the system, was branded as a co-conspirator. For that reason, I thought it advisable to establish, by means of such a letter, that I and the Vice-Chancellery had nothing to do with this conspiracy.

Q. The representative of the prosecution reads in the letters only the wish for the rehabilitation of your own person. What do you have to say about this ?

A. I asked the Tribunal to consider these letters. In them it can be seen that I repeatedly pointed out that my co-workers also had to be absolutely rehabilitated.

In the letter of the 12th of July, on page 3, I say that the honor of my officials is also my own honor, and I repeatedly demanded that the Bose case be cleared up.

Q. What did you believe to be able to achieve through the legal proceedin which you suggested ?

A. Legal proceedings would have had two effects: In the first place, non-participation in the putsch would have been established, and that would necessarily have shown that the arrest of my co-workers and the killing of Bose had been an arbitrary act, an act for which those responsible were to be punished .

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Q In a letter of the 14th of July, you welcomed Hitler's speech of justification before the Reichstag on the 13th of July. What comment do you have to make on this?

A I may ask you to look at the text of this letter. I welcomed the expression of the intended second revolution but by no means a recognition of the act of violence carried out against persons outside the circle of the revolution and, however, the following is to be considered. The events of the 30th of June were divided into two parts. In the first place, Hitler himself had turned against the revolting SA; that such a revolt was actually planned seemed incredible to all of us. The rumors of a second revolution had been current for weeks in the country. In Marburg I had already referred to them. The revolt of the SA leaders, who represented in effect a power, could be considered a danger to the State and the executions had been directed against SA leaders who were known to be particularly radical and whose names were connected with the excesses of 1933. The second part of the action had been directed against persons outside of this circle. Slowly the news of the individual cases leaked out. The justification for taking steps against these persons was in part explained by saying that those affected had some sort of connection with SA leaders and that in part they had offered resistance. That had to be cleared up, for here no emergency law could be referred to but an orderly procedure could not be deviated from in this case; hence, my letter to Hitler of the 12th of July, in which I asked him not to deviate from the orderly legal procedure and I warned him against identifying himself with these events and I demanded from him -- referring to the Bose case -- the rehabilitation of the legal proceedings.

THE PRESIDENT: We have got the letters, Dr. Kubuschok.

DR. KUBUSCHOK: Yes, the purpose of this questioning is to clear up the situation and to explain the form of the letters but I believe the defendant has said enough and we can go on to another question now.

BY DR. KUBUSCHOK:

Q Your letter of the 17th of July, which is signed without a complimentary closing, also deviates from the other letters in the rest of its form. How do you explain this?

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A On the 17th of July, I had to consider my efforts as having failed, my efforts to achieve legal proceedings to clear up the matter. I had not even received my files back. For that reason, I gave up further efforts and there was no longer any reason to announce my resignation publicly.

DR. KUBUSCHOK: You meant to take it back. Now, I come back to a document which the English prosecution referred to today. It is 2248-PS, in the English document book, 11-A, page 99. I believe there are difficulties in the translation here which make it difficult to understand. I will read the sentence in question once more and ask the defendant to explain this sentence. I will quote on page 99 of the English text, the second paragraph from the top.

THE PRESIDENT: Dr. Kubuschok, we have had a very long explanation already.

DR. KUBUSCHOK: Mr. President, the explanation suffered from the fact that the defendant did not understand the translation correctly or that the English prosecution did not understand the defendant. The form of the German text is not clear. The defendant will be able to explain it very easily.

THE PRESIDENT: All right, go on.

BY DR. KUBUSCHOK:

Q "The way in which Germany deals with politico-religious difficulties, the clever hand which eliminates political Catholicism without touching the Christian foundation of Germany, will not only have a decisive effect on England," etc. Please explain the sense of this sentence which I have just read.

A I wanted to say to Hitler "You must with a clever hand eliminate political Catholicism but the religious foundation must under no circumstances be touched."

THE PRESIDENT: No question of translation arises. The passage was read to us verbatim as it is before us and it was read by Sir David Maxwell-Fyfe to the defendant and the defendant has given the same answer over and over again in answer to Sir David.

DR. KUBUSCHOK: Mr. President, may I point out the following: The whole sentence was in the future tense, the whole sentence.

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THE PRESIDENT: It was read to us just now by the interpreter verbatim in the words which are before us in the book and the words which were put by Sir David Maxwell-Fyfe to the defendant. There is no question of difference of tense at all.

DR. KUBUSCHOK: Mr. President, there is a special language difficulty. With us, in the first part, the first two verbs use the present tense. Later, in German the present is to be understood as meaning the future also. In the opinion of the British prosecution, the first two verbs "deals" and "eliminates" are to be considered past tense.

THE PRESIDENT: It is a matter of verbal argument of the words of the document.

DR. KUBUSCHOK: One last question to the witness.

BY DR. KUBUSCHOK:

Q The Cardinal Innitzer's talk to Hitler in Vienna was discussed. On what occasion did you arrange this meeting of Hitler with Cardinal Innitzer?

A With the entry into Austria and the Anschluss of Austria to the Reich, Hitler had joined a Catholic country to Germany and the problem which was to be solved was to win this country internally as well. That was possible only if Hitler recognized the religious basis, recognized what rights Catholicism had in this country and for this reason, I arranged a talk between Cardinal Innitzer and Hitler in order to make sure that Hitler in the future in Austria would carry on a policy on a Christian basis. By arranging this interview, I thought I would be able to do one last service for Austria; that was the reason.

DR. KUBUSCHOK: That is the end of the examination.

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Q. THE PRESIDENT: I have just two or three questions I should like to ask you.

BY THE PRESIDENT:

Q. When did you first hear about the murder of Jews?

A. I believe, My Lord, that that was during the war.

Q. The war lasted six years. When during the war?

A. I cannot say with certainty, My Lord.

Q. You cannot say with more certainty than that?

A. No; our general knowledge was that the Jews were sent to camps in Poland. But we knew nothing of a systematic extermination of Jews such as we have heard of here.

Q. The witness whose affidavit your counsel has put in evidence, Marchionini, what do you know about him?

A. Marchionini is a very well known professor who was employed by the Model Hospital in Ankara, and who was also my family doctor.

Q. Do you have your volumes of exhibits before you?

A. No.

THE PRESIDENT: Could the defendant have Volume 3?

(A document was handed to the witness)

BY THE PRESIDENT:

Q. I refer to Volume 3, the last paragraph of the answer to Question 6.

A. One moment, My Lord. I have not found it yet

Q. There is no hurry.

A. I have the affidavit now.

Q. Do you have question 6, or rather the answer to Question 6?

A. The questions are not numbered here.

Q. It is the last question but one.

A. The last question?

Q. The last question but one.

A. Yes.

Q. In the answer to that question, he says this:

"I remember particularly clearly an invident in spring 1944 when I calle

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upon von Papen at the request of Herr Barlas, the Refugees Commissioner of the Jewish Agency, in order to request his assistance in saving 10,000 Jews in France from deportation to Poland for extermination. These Jews had formerly held Turkish nationality which they had later renounced".

Then he says, through your intervention" the lives of these Jews were saved". Is that statement true?

A. Yes, certainly.

Q. So at any rate, by the spring of 1944 you knew that 10,000 Jews in France were about to be deported for extermination?

A. Yes. But I believe they were to be deported to Poland, Mr. Lord. But we did not know in 1944 that they were to be exterminated. We wanted to protect them from deportation.

Q. I thought you said the statement was true.

A. For the purpose of extermination -- I believe that we did not know that at the time. The question was only whether I was willing to help keep 10,000 Jews who were in France from being deported to Poland.

THE PRESIDENT: That is all. You may return to the dock.

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DR. KUBUSCHOK: I had three witnesses approved by the Tribunal. The witness Freiherr von Lersner could not come here at the time because of transportation difficulties. He could not be here before the end of July. After the questioning of the defendant, and considering the fact that Lersner has answered an interrogatory, I believe I can dispense with the witness. I regret this, because he is a man who knew the defendant during his whole political career, a witness who would have been especially valuable because of his objectivity in these question. He was president of the German delegation at Versailles.

THE PRESIDENT: If you have the affidavit or the interrogatory, you can put it in. We do not need any further statements about it.

DR. KUBUSCHOK: Yes.

The second witness was Count Kageneck. Since the questions which were to be asked of Kageneck have been covered in the questioning of the defendant

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and the cross-examination did not touch upon them, I can also dispense with this witness.

There remains only the witness Dr. Kroll, whom I now call to the stand.

HANS KROLL, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q. Will you state your full name, please?

A. Hans Kroll.

Q. Will you repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY DR. KUBUSCHOK:

Q. Witness, what was your occupation in Ankara?

A. I was the First Counsellor of the embassy, and later Minister. From the fall of 1936 until April, 1943, I was in Ankara; from April 1939 until April 1943, together with Ambassador von Papen, as his first co-worker. Daily, mostly in the morning and in the afternoon, we conferred together for several hours, so that I believe I know the various phases of his activity during this period in Turkey; that is, of his work during the war.

DR. KUBUSCHOK: These questions will refer mostly to the peace policy of the defendant.

BY DR. KUBUSCHOK:

Q. Did you know Mr. von Papen before he became ambassador in Ankara?

A. No. We met in Ankara.

Q. Were you a member of the NSDAP?

A. No.

Q. After taking over the position as ambassador, Mr. von Papen came to Ankara for a short stay. What was the purpose of this visit?

A. Mr. von Papen wanted to present himself to the Turkish government and to gain information on the situation.

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Q. Did Mr. von Papen at that time, through his conduct and his statement: express his agreement with German foreign policy, and in particular, with the policy towards Poland? Or did he, as far as he was able, attempt to work against this policy?

A. First, as to the arrival of Mr. von Papen, I was, of course, interested in learning how he felt about the development of the general situation, and, in particular, the Polish question. I assumed, of course, that, as he came from Germany, he knew about Hitler's plans, but I was surprised to find that he knew nothing more than I did, which was to say nothing at all.

Then we discussed the situation in detail, and I observed that Mr. von Papen, who spoke very frankly with me about these things, distrusted Hitler's foreign policy. He was an enemy of war, an honest enemy of war, and, of course, he was also an enemy of war against Poland. He was truly convinced that on the Polish question an agreement could be reached if it could only be made clear to Hitler that a conflict with Poland would, of necessity, lead to a world war. He then endeavored, and I must say in a very sound and clear and courageous language in his reports, to point out this view in his reports. And from his talks with the Turkish statesmen, as well as with the accredited diplomats in Ankara, he attempted to prove that, in fact, a conflict with Poland would of necessity lead to a conflict with England and France.

He often told me later that he was convinced that if everyone, Germans and foreigners, had spoken to Hitler in this clear form, the war would probably have been avoided.

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Q After the outbreak of the Polish war, what was the attitude of Mr. von Papen towards the spread of the war to the Nordic states, Holland, Belgium, and finally, Russia?

A Mr. von Papen, of course, hoped that in this winter some agreement would be reached. He knew that if the action spread to the west, a general slaughter would follow and that then it would probably be too late to talk things over. Of course, as far as possible, he looked for mediation in Turkey as well as other places, and he was glad to take any opportunity resulting from talks with his friend, the Dutch Minister in Ankara, Mr. Visser. The motive behind this offer of Visser was Holland's wish to have the war ended before spring and with the fighting in the west, and the aim was to be a talk between Germany and England.

Q We are interested in knowing what Mr. von Papen's opinion of such a peace was. Did he think that he would be able to achieve annexation by way of peace or what was the purpose of this peace which he had in mind?

A I believe it is known from the previous activity of Mr. von Papen that he was a friend of European understanding. He knew that this war had not begun because of a territorial problem but because of a principle; that is to say, so that a future one-sided aggresive war would be prevented and, therefore, in the restoration of the legal status before the war, that is, in the restoration of the status quotante on the basis of 1938, that it had with the restoration of Poland and Czechoslovakia. In this he saw the prerequisite for instituting talks. The second prerequisite for the successful carrying on of such a talk was for him the restoration of confidence in the German signature, which it is known Hitler's foreign policy had destroyed. The only question was how this confidence could be restored, and he realized that the prerequisite for this was a basic reform of the regime, of the system, with the aim of making Germany a legal state once more. Finally, Mr. von Papen, from his post in turkey, saw the possibility of ending the war by reaching an understanding, for turkey, like hardly any other state of the same weight in Foreign politics, had the ideal position for mediating. It had the confidence of both belligerent parties and that is the most important thing for arranging a talk. Then He endeavoured, in all his talks with Turkish statesmen, to win Turkey over to mediate. During all his years in Turkey that was the Leitmotif, the leading motive of his work, to bring the war

to an end as soon as possible. Then, in fact, he had a great success, in that the Turkish President, in 1942, in a big public speech before the Turkish National Assembly, offered the services of Turkey in mediating between the belligerents.

Q Did you have knowledge of the efforts of Mr. von Papen to avert a spread of the war towards Turkey against the efforts of the Axis partners? During the war there were several crises.

A I should like to say first that Papen's activity in Turkey can be summed up in one word. He considered it his mission to represent the interests of Germany, his country, and to bring them together in the interests of peace. That meant, in effect, that he endeavoured to prevent the spreading of the war to Turkey and the Near East and thus to create the prerequisite in order, at the proper time, to employ Turkey as mediator.

Now, as to the crises. I should like to limit myself to those cases in which Mr. von Papen had the impression that the neutrality of Turkey was endangered by the intentions of the Axis partners.

THE PRESIDENT: I think I did before draw your attention to the fact that there was no charge against von Papen in connection with his activities at Ankara; and also, I may add, that this was a summing up in one word I thought.

DR. KUBUSCHOK: There are only a very few case, Mr. President. He will tell us about them briefly.

THE PRESIDENT: The only way in which the evidence can be relevant at all is insofar as it throws light upon von Papen's activities before he went to Ankara. That is what I pointed out to you before.

DR. KUBUSCHOK: I said the other day, Your Lordship, that the personality of a person charged with war conspiracy cannot be judged correctly if only one period of his activity is mentioned. He was at a post where he could do only negative or positive things. It is not immaterial.

THE PRESIDENT: Dr. Kubuschok, this witness has been telling us for a considerable time that his activities -- that Papen's activities were entirely peaceful and that they were endeavours to make Turkey mediate; and what he is doing now is simply going on with further details on the same subject and it is over a period when, as I say, no charge is made against von Papen at all by the prosecution.

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DR. KUBUSCHOK: If the Tribunal understands the Defendant von Papen's mission in Ankara as a peace mission, I need put no further questions to the witness. Then I come to my last questions.

BY DR. KUBUSCHOK:

Q What was the position of Mr. von Papen in regard to the party, especial as to the Landesleitung in Ankara?

A On his arrival von Papen was received with unconcealed distrust. No wonder, for it was known that he was known as no Socialist. In his four years in Turkey I did not meet anyone who considered him a National Socialist. His relationship to the Party became worse in the course of the years and finally it resulted in open conflict. That was in 1942, when the Landesgruppenleiter of the Party in Ankara once told his comrades, if it were up to him he would have Mr. von Papen shot. Then he was challenged about it and corrected himself. He said he didn't say that; he only said he would have had him put in a concentration camp.

Q What was the attitude of von Papen to the Jewish question?

A In repeated public speeches as well as in his actions, Mr. von Papen quite clearly opposed the anti-Jewish policy of the party. He was acquainted with Jewish or partly Jewish emigrants. He employed Jewish doctors; he bought in Jewish stores. In short, I believe that was one of the reasons which brought about his tension in connection with the Party.

Q Did Mr. von Papen even employ a Jewish woman in the Embassy?

A As far as I know, yes. I believe that was the wife of his servant..

Q She was employed as a telephone operator there?

A Yes, that is true.

Q Do you know a Mr. Posemann? Did he have any connection with the German Embassy?

A At my time, Posemann was not in the German Embassy. I recall that he had a bookstore in Ankara. He had nothing to do with the Embassy.

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Q. What was the attitude of Mr. von Papen in the personnel question ? Did he employ National Socialists in the embassy, or to what extent did he interest himself in these questions ? What were his demands of personnel ?

A. It is well known that the Party was never satisfied with von Papen's choice of workers. That was shown by the very severe consequences on the 30th of June and after the Anschluss. It was somewhat dangerous to be one of his first co-workers.

Of course, it was said that he was reproached because he did not make a National Socialist position out of the embassy as was done in the Balkans and when he asked for personnel he chose people who he knew were not National Socialists.

I will only mention two names, Mr. von Haften and Legationsrat Trotzesolz, two men who I believe were executed in connection with the 20th of July.

Of course, it was held against von Papen particularly because he opposed all efforts to remove me from my post. I don't know whether I should go into that.

Q. Please do, briefly.

A. Repeatedly -- I might say every month -- an attempt was made to have me eliminated as a deputy of von Papen. Finally, when that didn't do any good, since von Papen always opposed these attempts, the Landesgruppenleiter met with the Ortsgruppenleiter of Ankara and Istanbul in the spring of 1942 and came to see von Papen and officially in the name of the Party demanded that I should be removed from my post. Von Papen refused this once more, but finally, in 1943, the pressure of the Party became too great, especially since other sources conspired against me, and so I was excluded.

Q. Finally, in the years of cooperation you observed the activity of von Papen and his personality very closely. Perhaps you can outline briefly a picture of the defendant.

THE PRESIDENT: He has already sketched it at very considerable length and we don't want it briefly reiterated.

DR. KUBUSCHOK: I will dispense with this question. I have finished the examination of the witness.

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SIR DAVID MAXWELL FYFE: I have no questions, my Lord.

THE PRESIDENT: Do any of the defendants' counsel want to ask any questions ? Then the witness can retire.

DR. KUBUSCHOK: I should like to refer briefly to a few documents.

In Document Book 1, I submit Document 24, page 86. I refer to the note and agreement was reached with the Prosecution to the effect that the fact should be accepted that the Enabling Act of 24 March 1933 was preceded by two Enabling Acts in 1923.

I refer to Document Book 2, Document 36, an article from Stars and Stripes of the 27th of March 1946. These are the peace efforts through Earl. The article is to supplement the interrogatory of Lersner.

THE PRESIDENT: Did you say 36 ?

DR. KUBUSCHOK: No, 63, page 153.

Then I refer to Volume 3.

THE PRESIDENT: One moment. This document that you just put before us is a document of March 27, 1946. What are we going to do with that ? It is a newspaper article.

DR. KUBUSCHOK: It is a newpaper article on an interview with Earl. The partner in this talk was Lersner. To supplement the testimony of Lersner whom we do not have here I should like to use this newspaper article. It adds to something which is briefly mentioned in Lersner's written testimony.

THE PRESIDENT: But you had the opportunity of getting an affidavit from Lersner or for putting what questions you wanted to Lersner, and now you are putting in a newspaper article dated in 1946 whilst the trial was going on

DR. KUBUSCHOK: Mr. President, I cannot hear Lersner because of his absence. It was intended to hear him as a witness. The question in the interrogatory was answered rather briefly.

THE PRESIDENT: What is the date of the interrogatory ?

DR. KUBUSCHOK: The Lersner interrogatory is dated 15 April 1946. It is Document 93.

THE PRESIDENT: Well, the Tribunal doesn't think that this document ought to be admitted. Newspaper articles whilst the trial is going on are not the sort of evidence which the Tribunal thinks it right to admit.

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DR. KUBUSCHOK: In Volume 3 I submit Document 99, an affidavit by Schaffgotsch, page 245. It is just being submitted, Mr. President . It is a brief affidavit concerning Papen's vain efforts in July 1934 to reach Hindenburg.

Finally, as Document 100, I shall submit the appeal of the Reich Government of the 1st of February 1939, which was mentioned yesterday, and also an excerpt on foreign policy from Hitler's speech of the 23rd of March. Yesterday it was referred to during the proceedings.

Furthermore, I refer to all documents in all three document books and ask that you take judicial notice of them.

Then I have one final request. Yesterday, in the discussion of the affidavits of Schroeder and Meissner, parts were read into the record. I believe the Prosecution, since they have not made use of the documents, will be willing that these parts be stricken from the record.

THE PRESIDENT: It was Meissner's affidavit which was used to some extent, wasn't it ?

SIR DAVID MAXWELL FYFE: Yes, my Lord, it was. My Lord, I should have thought the most convenient course was that the Tribunal would take it that I have merely put the facts out of the affidavit and would not consider that the evidence of the affidavit was before them. Otherwise, I think it would be very difficult to correct the record, but of course I accept that position.

THE PRESIDENT: Yes, we think so. We will treat it as those facts having been put to the witness and the witness having answered them, without considering it as a sworn statement.

SIR DAVID MAXWELL FYFE: Yes, my Lord, purely as my questions.

DR. KUBUSCHOK: I end the case of the defendant von Papen.

THE PRESIDENT: The Tribunal will adjourn.

(A recess was taken.)

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THE PRESIDENT: The Tribunal will sit on Saturday in open session from ten to one.

I call on counsel for the defendant Speer.

DR. FLAECHSNER: Dr. Flaechsner on behalf of the defendant Speer.

Mr. President, gentlemen of the bench:

Perhaps the High Tribunal will recall the fact that when we were discussing matters of evidence, matters of proof which I suggested. at that time I dispensed with the testimony of witnesses and stated that I would satisfy myself with the use of interrogatories. I had hoped I should thus be able to produce my entire evidence. However, I am not in possession of all the interrogatories I sent out. I have not received all the answers but only a part of them. Those replies which are at my disposal I will use in the examination in chief of the defendant. Therefore, a presentation and introduction of those interrogatories will take place.

I hope to conduct the examination in chief of the defendant in such a manner that in my estimation I should require a day or at the most seven hours.

Now, with the permission of the High Tribunal I should like to call the defendant Speer to the witness box.

THE PRESIDENT: Yes.

ALBERT SPEER, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q What is your name?

A Albert Speer.

Q Will you repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(the witness repeated the oath)

THE PRESIDENT: You may sit down.

CROSS EXAMINATION

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BY DR. FLAECHSNER:

Q Mr. Speer, will you please tell the Tribunal about your life up until the time you were appointed minister?

A I was born on the 19 March, 1905. My grandfather and my father were successful architects. First of all I wanted to study mathematics and then entered into the profession of architect more by tradition than inclination. I attended the university at Munich and Berlin and at the age of 24, that was in the year 1929, I was the first assistant at the technical academy in Berlin (Technische Hochschule).

At the age of 27, that was in the year '32, I went into business for myself and I remained in that position, that is being my own independent boss, until 1942 .

In the year 1934 Hitler was called to my attention for the first time. I met him and from that period of time onwards I had a rather enthusiastic course in my chosen profession of architecture for Hitler was quite fanatical on the subject of architecture and from him I received many contracts for building work, such as putting up a new Reichstag building in Berlin and various other buildings and here in Nurnberg on the Party grounds.

I was entrusted with the reconstruction of the cities of Berlin and Nurnberg. I had sketched buildings which would have become the largest in the world and the carrying through of these plans would have cost no more than two months of Germany's war expenditure. That would have been the cost to Germany.

Through this predilection or preference which Hitler had for building I had a close personal contact and relationship with him. I belonged to a circle which consisted of other artists and of his personal staff. If Hitler had had any friends at all I certainly would have been one of his close friends.

Despite the war, these buildings which were to be planned during peace, were carried on until 1941, December of '41 and only after the catastrophe which occurred in the winter of '41 in Russia was the further constructions of these buildings stopped. Workers, insofar as they were German, were used for

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the restoration of works which had been destroyed in Russia and were placed at the disposal of the war effort by me.

Q The Prosecution, in document 1435, which is U.S. Exhibit 216, had quoted a remark from your first speech as a minister, dated February 1942, in which you stated that at that time you had placed ten thousand prisoners of war at the disposal of the armament industry.

DR. FLAECHSNER: Mr. President, this remark may be found on page 4 of the English text and page one of the French text.

BY DR. FLAECHSNER:

Q Mr. Speer, what can you tell us about this document?

A At that time in my capacity as an architect I could not exert any influence as to whether these workers were to be taken into armaments or not. They were put at the disposal of the Stalags of the OKW. I assumed, I took it as a matter of course that they would be put at the disposal of armaments in the larger sense.

Q Mr. Speer, did you ever participate in the planning and preparation of an agressive war?

A No. Up until the year 1942 I was active as an architect. For that reason you cannot talk about this matter at all. The buildings which I constructed were completely representative of peacetime building and as an architect and in this connection I received workers and money for these purposes. I used the material at my disposal. This material, in the last analysis, was lost to armaments.

One moment, I have not completed my answer yet.

The carrying out of these large building plans which Hitler had supported or sponsored war, on the whole, especially psychologically an obstacle to armament.

Q The Prosecution asserts you had been a Reichsleiter.

A No, that is a mistake on the part of the Prosecution.

Q You were the Golden Party Emblem. When and where did you receive it?

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A In the year 1938 I received the Golden Party Emblem from Hitler. It was because I had completed the plans for a new building program in Berlin. Besides myself, five other artists received this Golden Party Emblem.

Q Were you a member of the Reichstag?

A In 1941 I was called into the Reichstag by Hitler, that is outside of an election, and I was to substitute or replace a member who had been lost to the Reichstag. Hitler at that time told me that together with me, he wanted the artists represented in the Reichstag.

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Q Did you ever receive any donations?

A No.

Q How did your activity as a minister start?

A On 8 February 1942 my predecessor, Dr. Todt, was killed in an airplane crash. Several days later I was called in to be his successor in his many offices. At that time I was 36 years of age. Up until that time, Hitler saw the main sphere of Todt in the building sphere, and that is why he called me to be the successor of Todt. I believe that it was a complete surprise to everyone when I was called to office as a minister.

Immediately after my assumption of office, it could be seen that not building but the intensification of armaments was to be the main concern, for the heavy losses of material in the winter battles which had taken place in Russia during the winter of 1941-1942 had brought about much damage. Hitler called for an intensification of armament.

Q When you assumed office, in the Reich Ministry for Munitions, did you find a completely set up office?

A No, Dr. Todt had neglected this function of his up until that time, and in addition in the fall of 1941 Hitler had issued a decree according to which the armament of the army was to take second place to the armament of the Air Force. At that time he foresaw a victorious outcome of the war in Russia. He took that for granted and had decreed that armament was to be concentrated on the imminent war against England and was to be converted to that end. Because of this tremendous optimism of his, the rescinding of that order was postponed until January 1942, and only from that date onward did Dr. Todt start -- that is, during the last month of his life -- to build up his organization and to develop it. Therefore, the task fell to me, first of all, to work myself into a completely new field and at the same time to create all organizational prerequisites for my task, to set them up, and thirdly, to restore the decreasing armament production, and first, especially, to increase production in a few months. As is very well known, I succeeded in doing that.

Q What promises did you receive from Hitler about the length of time of your task and about the circle of your collaborators? How was that to be

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composed?

A Hitler promised me that my task should be considered only for the duration and that after the war I might once more resume my profession of architect.

DR. FLAECHSNER: At this point I should like to mention a passage from document 1435 which deals with a speech delivered by Speer, which he made ten days after he assumed office, and this document shows that he very unwillingly and hesitatingly changed his sphere of activity, and I quote:

"I can say for myself that my personal contribution is a very large one. Up until very recently I moved in an ideal situation."

In Document 1520-PS, which is Exhibit GB 156, which is found on page 2 of my document book, page 5 of the English text and page 2 of the French and Russian texts, on 8 May 1942 Hitler stated, and I quote:

"The Fuehrer thereupon stated repeatedly that the Reich Ministry Speer would be dissolved on the day when peace was concluded."

I should like to submit further a memorandum from Speer to Hitler, dated 20 September 1944. Mr. President, this may be found on page 6 of the English text, page 3 of the French and Russian texts. From this document you can see that Speer was considered hostile to the Party because of his collaborators. Bormann said that. Speer said in his memorandum -- and I quote:

"The task which I have to fulfill is a non-political one. So far I have enjoyed my work, since I personally and my work were evaluated strictly according to professional achievements, but I do not feel strong enough to carry out without hindrance and successfully the technical work to be accomplished by myself and my co-workers if it is to be measured by Party political standards.

BY DR. FLAECHSNER:

Q Mr. Speer, can you give me the fundamental principles according to which you set up and developed your ministry?

THE PRESIDENT: What exhibit number are you giving that?

DR. FLAECHSNER: Exhibit No. 1, Mr. President.

BY DR. FLAECHSNER:

Q Mr. Speer, can you tell me the fundamental principles which you applied and observed when you built up your ministry?

A I personally was no expert, and I did not want to participate as an expert. Therefore, I gathered the best possible experts to be found in Germany and selected them as my co-workers. I believed that these men were to be found within industry itself. Therefore, I set up my ministry from industry. I took these men in, in a position of honor, and this was something which was carried on in the United States in a similar way during the war, especially when it came to matters of production. Civil servants or professional officials were lacking, and you can not really consider my ministry a real ministry along the old lines.

The fundamentals upon which I founded my ministry and its work were such that in June 1944 I delivered a speech in Essen, in order that I could defend myself against the various attacks in Party circles upon my system.

DR. FLAECHSNER: Mr. President, I believe that the High Tribunal is not yet in possession of the document book volume which contains the interrogatori Otherwise I should like to refer the High Tribunal to the statement given by witnesses Sauer and Schieber, which are relevant in this connection.

THE PRESIDENT: If you will give us the reference---Give us the names ofth witnesses. We can take notice of them afterwards. What is the name?

DR. FLAECHSNER: The witness Sauer, and we are dealing with his answers t Point 4,5,and 8 of the interrogatory. The witness Schieber under figure 12 of his interrogatory gives a statement and testimony relating to this point.

Now I shall take up the speech given by Speer in June 1944. I should like submit it as Exhibit No. 2. It confirms the testimony which the defendant has just made about the development of his ministry, in regard to the honorary memberships on the part of industry. I should like to quote it, for I am sorry say that this speech is contained in my supplementary volume as well. I am sor I will just have to read it, and I quote:

"These honorary co-workers drawn from industry--"

THE PRESIDENT: Dr. Flaechsner, it is a little bit inconvenient to the Tribunal not to have these documents before them. You could not possibly postpone the particular documents that you have not got here until tomorrow mornin Shall we have the supplementary volume then?

DR. FLAECHSNER: The promise was given me that it would be at our disposa this afternoon. I expect to have it by tomorrow, Your Honor.

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THE PRESIDENT: Yes, well, then, would it be convenient to leave those parts which are contained in the supplementary volume over until tomorrow?

DR. FLAECHSNER: Mr. President, in the supplementary volume we find only five very short documents, with which I shall not concern myself today, except for this one speech which I am mentioning now. It is the first document found in the supplementary volume.

THE PRESIDENT: Very well.

DR. FLAECHSNER: I quote:

"These honorary co-workers, drawn from industry, carry the responsibility to the last detail for what is going on in the various enterprises and industri and how."

Then a few lines further down:

"Among your tasks, next to the awarding of contracts to these industries, the duty to limit the type and the specialization of these industries and, und certain circumstances, to close certain enterprises, the rationalization of raw materials along constructive and productive lines, and the unconditional exchan of experience, without regard to Schutzrechte--patents."

From these documents, we can see clearly from various passages that Speer considered his office an instrument which was improvised for the existing authorities of the Reich for the fulfillment of this task and was to be used without concerning himself with these tasks personally.

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The decree of the 10th of August, which is mentioned in the speech of Speer, shows that he prohibited his offices from turning into administrative offices. The defendant did not want a bureaucratic system in his Ministry.

THE PRESIDENT: What speech of Speer are you referring to? You said the decree of the 10th of August.

DR. FLAECHSNER: It is still the same speech, Mr. President, which I just mentioned, and the decree is mentioned therein.

THE PRESIDENT: I didn't get what the year was when you began. What was the year?

DR. FLAECHSNER: The year was 1942, the 10th of August, and the speech was given in the year 1944. Therefore, he was referring to a decree which had been in force for some time.

Just how important it was to the defendant to have non-bureaucratic, new forces in his Ministry is shown from the passage which I would like to quote now:

"Any arrangement which is to last for some period of time and which exceeds a certain size has a tendency to become bureaucratic. Even if, in a large attack on Berlin, large parts of the current files of the Ministry are burned and therefore, for all time, we are lucky enough to have unnecessary ballast taken from us, we cannot expect that an occurrence of that sort will bring new vigor into our work."

BY DR. FLAECHSNER:

Q Mr. Speer, so far as the Tribunal wishes, will you please supplement these statements, but briefly?

A I shall try to be very brief.

THE PRESIDENT: Dr. Flaechsner, you read us the speech.

DR. FLAECHSNER: Yes.

THE PRESIDENT: It seems to be very remote as it is, and why you should want to supplement it, I don't know.

DR. FLAECHSNER: Mr. President, I thought it might be of interest to the High Tribunal to know the sphere of activity

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and function which the defendant had in his capacity as a Minister. This speech was made to experts and, therefore, it contains only those things of interest to an expert. I assumed that the High Tribunal would wish to know just what was the task of the production ministry of Mr. Speer. I think the prosecution drew a wider circle about his tasks than actually was the case.

THE PRESIDENT: If you want to know what he says about the tasks of his ministry, you can ask him. But you have just been reading his speech, and we don't want to--

DR. FLAECHSNER (Interposing): No, no, Mr. President. No, no, he is not to read his speech. I don't want him to read his speech. He is just to give us some of the technical tasks of his ministry, but briefly.

THE PRESIDENT: You don't seem to be hearing me accurately. Wouldn't it be better if you put your earphones on?

What I said was that you had read the speech and we didn't want to hear any more argument upon the speech from the defendant. If you want to ask the defendant what the tasks of his ministry were, ask him. What you asked him was, "Do you wish to supplement the speech?"

BY DR. FLAECHSNER:

Q Mr. Speer, will you please tell us briefly what the tasks were which your ministry had to carry out? And please do not refer to the things that I mentioned in the speech.

A I believe the tasks of a production ministry and minister are the same and are well known in all industrial states. I just wanted to summarize briefly which functions I had to concern myself with in detail in this ministry.

First of all, there was a deficiency in raw materials and metals, steel, and we had to do away with that deficiency. Then, through an introduction of the Fliessbandarbeiter, workers on the assembly line, as is customary in the United States, which was not current in Germany, it was being produced. That is, the use of chain production, to save room. Also, it was imperative, further,

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to have the production bases expanded for fine steel, for aluminum, for forgings, for ball bearings. One of the main tasks was the development of new weapons and the introduction of new weapons into the production sphere. Then, finally, beginning with 1943, the doing away with of the tremendous damage which obtained because of tremendously heavy bombing attacks, and which forced us to use improvised means and methods.

Q What was the importance of your activity?

A It is a matter of course that this sphere of function was of the utmost importance at home, especially since it concerned itself with equipment for the army, because I claimed that during the war the rest of the economy would have to be set up according to the demands of armament. In times of war, at home, there are only two aims or purposes: To furnish soldiers for the front, and to supply weapons.

Q Why was the task of your ministry a war function or task ?

A In peace an economy is regulated according to supply and demand, but during a war this regulating factor is lacking.

Q Therefore it was the task of your ministry, especially for the State, to have a hand in the distribution of orders ?

A Yes, and their carrying through.

Q Then, first of all, you had responsibility only for army production at the end of 1944. However, you were responsible for the entire sphere of armament and war production. Can you tell me briefly in what fields this development was carried through, and how the extent of your task grew ?

A It would be easier for me to tell you about the development dealing with the number of workers.

In 1942 I had armaments and building programs. I had taken those over, and I had 2,600,000 workers. In the spring of 1943 Doenitz gave me the responsibility for naval armament as well, and therefore at this point, I had 3,200,000 workers. In September of 1943, through an agreement with the Minister of Economy, Mr. Funk, the produdtion task of the Ministry of Economy was also transferred to me. With that I had twelve million workers working for me.

Finally, I took over air armament. I took that over from Goering on the 1st of August, 1944. With that my total production had risen to fourteen million workers, and all production was marshalled under me. The number of workers applies to the Greater German Riech, without the occupied countries.

Q How was it possible to have a task of that magnitude directed by a ministry that consisted of honorary members and a ministry which did not concern itself with purely administrative matters ?

A We had no experience along those lines. The administrative sectors in the various departments retained their tasks. In that way, in the Army, the Heereswaffenamt--the Army Weapon Office-- which contained several thousand workers, supervised the carrying through of this work and saw to it that the orders were carried out in a proper way. Only in that way did I succeed in having the entire armament production--which amounted to three to four billion marks a month--carried through with an honorary co-worker staff of about six thousand people.

Q Were all enterprises subordinate to you ?

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A No. There was a small group of enterprises and industries which were run with their own workers, and these were exempted. In this connection, the work of the SS was excluded from my domain as well.

Q The prosecution is charging you with the fact that, for the recruiting of foreign workers, you were responsible for the bringing in of prisoners of war from concentration camps and prisoner of war camps.

A In this connection neither I nor the ministry were responsible. The ministry was a new establishment, which had a technical problem to deal with. None of the offices which existed assumed any jurisdiction or competence in this regard. The conditions of work were still handled through the old existing authorities. The Food Ministry and the various offices connected with it were responsible for this, and the various supervising agencies in the Reich Ministry were responsible for maintenance, for working conditions at the place of work; the Trustees of Labor, working under the Plenipotentiary for Manpower, were responsible for the time of work, or for conditions of work and work achieved; and the Health Office of the Health Ministry was responsible for health conditions. The Justice Department and the Police Department were responsible for violations against labor discipline, and finally, the German Labor Front was responsible for representing the interests of labor, as compared to the factory manager.

The centralizing of all of these authorities was with the Gauleiter as Reich Commissioner. The fact that the SS and its concentration camp internees were outside the control is not a matter which I or my ministry represented.

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Q. Your co-defendant Sauckel testified to the effect that with the carrying out of the recruiting of workers to the industries, his task was finished. Does that apply in that way according to your opinion?

A. Yes. As far as the recruiting of workers is concerned, yes, for it was one of the points of an issue of conflict between Sauckel and me, that the suitable use of workers in industry itself was to be a matter of the man in charge of the industry and that it was not to be regulated or influenced by the labor office but it applied only to labor recruitment and not for the observing of labor agreements. In this connection, the office of Sauckel was the supervising office.

Q. How far could the entrepreneur carry through the demands put by Sauckel and by his carrying through of arrangements, and so forth, with the workers?

A. The decrees issued by Sauckel are not without objection but the entrepreneur did not always find it possible to carry through the decrees and directives given out by Sauckel and for the reasons which were beyond their power. Because of the bombing attacks, it brought about difficulties of transport and transportation or the destroyed shelters, places to live. It is not possible to tell the entrepreneur under the circumstances which applied after the summer of 1944 and make him responsible for the observing of these decrees. These were times of crises and it is a matter with which the Reich authorities would have to concern themselves and to determine just how far possibilities would exist to carry through these decrees and it is impossible to give responsibility to the small entrepreneur.

Q. How far was the entrepreneur subordinate or responsible to your ministry in this regard?

A. In the framework of the economy which industry enjoyed, the entrepreneurs of armament had received a para-state function by me. This, of course, applied only to technical problems, technical tasks.

Q. Were there any industries which were not permitted to be inspected by the Gauleiters?

A. There were some industries which concerned themselves with secret

matters but the entrepreneur was informed and he could report to the Gauleiter on these matters.

Q. Did you approve the punishment of people who could not work?

A. Yes, I considered it quite correct that workers who violated labor discipline should be punished but I did not demand supplementary directives or measures in this regard. As a matter of principle, I represented the view that a satisfactory work output on the part of fourteen million workers could be brought about in the long run only through the good will and good faith of the worker himself. This is a bit of experience which applies generally, which causes every employer in the world to do everything possible to have his workers satisfied.

Q. Regarding the efforts made by Seuckel, did you support them so that the social conditions of the workers would be improved and if so, why did you?

A. Naturally, I supported them even though I did not have any jurisdiction along that line and the same reasons which I have just mentioned applied, for our experience showed that labor which is satisfied has much less loss in the line of material which was quite important, considering our deficiency of raw material. It is quite obvious that better quality which is produced through a satisfied labor coprs is of special significance especially in time of war.

Q. In the records of your discussions with Hitler, there are various statements made by Hitler dealing with the treatment of living conditions of foreign workers. Were you responsible for that?

A. Yes.

DR. FLAECHSNER: In this connection, I should like to submit three pieces of evidence -- first of all, document Speer No. 11. Mr. President, this is found on page ten of the English text, page seven of the French text. In this document, Speer's request, in March of 1942, it was put down and I quote: "that the Russians were to receive sufficient food and that civilian Russians were not to be put behind barbed wire and were not to be treated as prisoners of war;" and as my next piece of evidence which will be Exhibit No. 4, I would like to submit Speer document No. 13. In May 1943, according

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to this document, Hitler determined, at the suggestion of Speer, that the German as well as Russian minors would receive additional rations and it is said there that the Russian prisoners of war are to receive additional rations such as tobacco and similar items and they are to be allotted them for special performance.

The next piece of evidence is Speer Exhibit No. 5 and it is document No. 9. Mr. President, this is found on page 12 of the English text and page 9 of the German text. According to this document, in Italian production plants, the feeding is to be put at about the level of German food rations and in this connection, it is important that Speer at the same time had it put in writing that the families of these workers receive equivalent care as well. I had other documents of this type at my disposal but in order to save the time of the translation department, I did not include them in my document book.

BY DR. FLAECHSNER:

Q. Mr. Speer, to whom did the bonuses of the armament industry go, to whom were they given and what did they consist of?

A. We gave out many millions of bonuses to armament plants. They contained additional food, chocolate, cigarettes, and so forth, and these bonuses were allotted up and above the regular ration and they were given up and beyond the additional rations which were given to people who worked longer hours and who did heavy work. In the industries, these bonuses went to those workers including the foreign workers and prisoners of war and the workers from concentration camps.

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Q I shall refer to the fact that these bonuses were given to workers from concentration camps, once more when I quote a document later.

In what form did your ministry put its demands to the industries?

A It is important to note that the demands put to industries were only in the manner of production schedules. These schedules were made into demands according to workers and material at hand.

Q Could a tremendous increase in working hours, and if so, how?

A When it comes to modern assembly line production, in theory, during the month, the period of time should be equitable. Through the bombing attacks, stoppages resulted as far as supplies and the various parts and raw materials were concerned, and therefore the number of hours in industry varied from eight to twelve a day. The average, according to our statistics, might have been 60 hours to 64 hours a week.

Q What were the working hours of the workers in factories that received their workers from concentration camps?

A It was exactly the same as that which applied to all workers in the industry. For the workers from concentration camps were on the whole only a part of the workers employed, and these workers were not called upon to do any more work than any of the other workers.

Q How is that shown?

A There was a demand on the part of the SS that the inmates of concentration camps work and be kept in a special part of the factory. The supervisers consisted of German foremen. The working hours, for production reasons had to be suitable with relation to the hours of work for the whole of industry, for in one industry you can work only at a certain rate.

Q From the two documents which I shall submit in another connection, it is seen unequivocally and unambiguously that the workers from concentration camps in army and naval armament and in the air armament branch worked on an average 60 hours per week. Mr. Speer, why in the case of industries were the so-called work camps established?

A The work camps were established so that a long journey could be saved, and so in this way that the workers could arrive at work in good condition, and thus ensure our adequate output.

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The additional food which the Food Ministry had granted for all workers, including the workers from concentration camps, would not have been received by these men if they had come directly from Reich concentration camps; for then this additional food bonus would have been used up in the concentration camp. In this way, this part of the workers who came from concentration camps received the additional food bonuses which were granted to industry, such as cigarettes, or food allotments. And so concentration camp workers received the full benefit of these bonuses.

Q Do you know, during your activities, that the workers from concentration camps had advantages if they worked in factories?

A Yes. My co-workers called my attention to this fact, and when I inspected the industries, I heard of that as well. Of course, a wrong impression should not be created about the number of concentration camp inmates who worked in German industry. In toto, one per cent of the entire labor personnel came from concentration camps.

Q When you inspected establishments, did you see concentration camp inmates?

A Yes, when industries were inspected, on occasion, I saw inmates of concentration camps, who, however, looked well fed.

DR. FLAECHSNER: Concerning the report which Mr. Speer made about concentration camps and the treatment which the inmates received in factories, I refer to a special confidential letter of the Department Chief Schieber, dated the 7th of May, 1944. This is found Speer Document 44, which is Speer Exhibit No. 6, which I should like to submit.

Mr. President, I am sorry, this will be found in Document 2 of my document book, which I do not have at this time. But it would be a pity if I were not to discuss it at this time, for it seems to fit into this pattern. Therefore, I should like to quote briefly from it.

The Department Chief Schieber writes to Minister Speer as follows.

THE PRESIDENT: Dr. Flaechsner, the Tribunal thinks it would be much more helpful to them to have the document before them.

We are told that the book will be ready tomorrow afternoon, and that it will not be ready before tomorrow afternoon.

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DR. FLAECHSNER: I see. Mr. President, I believe that I did everything possible at the time to see that the document was put at the disposal of the translation department in good time. The difficulty must have arisen from the fact that the interrogatories did not come back in time. I assume that that is what happened.

The quotation from this document is not long, Mr. President. I believe I might as well quote from it now. Or do you wish that I dispense with it?

THE PRESIDENT: No; go on, if it is more convenient to you. I do not mind. You may go on.

DR. FLAECHSNER: Thank you very much.

The Department Chief Schieber writes to his Minister:

"Considering the care which they received from our factory managers, in spite of all the difficulties, and considering the general decent and humane treatment which foreign and concentration camp laborers received, the Jewish women in concentration camps, as well as all others worked very efficiently, and did everything in order not to be sent back to the camp.

"These facts really demand that we bring more concentration camp inmates into armament industries."

It further states a few pages down:

"I have discussed this matter with the plenipotentiary of Obergruppenfuehrer Pohl and Sturmbannfuehrer Maurer, and pointed out that if concentration camp laborers are being divided, it would be possible to exploit their work and at the same time give them better nourishment and reasonable care."

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THE PRESIDENT: You need not make such long pauses as you are making.

DR. FLAECHSNER: Aside from that, Maurer is pointing out especially that Obergruppenfuehrer Pohl said that the food situation of concentration camp inmates is being improved constantly and because of special bonuses and through constant medical attention he has seen marked increase in weight and, therefore, better work achievement.

In another document, No. 46, we see that the using of concentration camp workers is recommended in armament industries in that they bring advantages to concentration camp workers and that concentration camp inmates are glad to work in industries.

I refer, in this connection, to Document 1992-PS, which may be found on Page 11 of the document book. Your Honor, it is page 14 in the English text. This document shows that already in the year 1937 the using of inmates of concentration camps was taking place in work shops and that this work in work shops was a preferred work.

BY DR. FLAECHSNER:

Q. Dr. Speer, what do you know about the working conditions in subterranean factories ?

A. In subterranean factories the most modern equipment had been housed and the most modern weapons. Since we did not have many of these subterranean works we had to house these modern arrangements first of all there. These things required certain conditions of work. First of all, air which was dry and free from dust, good lighting facilities, and so forth, so that the conditions which applied to a subterranean works would apply to those in a night shift in a regular industry. I should like to add that contrary to the impression which has been created here, these subterranean factories, almost without exception, were staffed with German workers, because we had a special interest in having these modern installations manned by the best workers which were at our disposal.

Q. Can you tell us about what was the number of these ?

A. We had 300,000 cubic meters at our disposal at the end of the war and we had planned for 3,000,000 cubic meters.

Q. Mr. Speer, in the year 1943, you visited the concentration camp at Mauthausen ?

A. Yes.

Q. Why did you visit it ?

A. I learned, when I inspected industries at Linz, that along the Danube, near the camp at Mauthausen, there was a large harbor installation and railroad installations which were put up so that the stone coming from the quarry at Mauthausen was to be transported to the Danube. This was a peace-time problem which I could not tolerate at all, for it was against all the decrees and directives which I had issued. I told them about my visit in advance and I wanted to see whether these buildings were an actual fact. I wanted to see to it that if that had been started it would be stopped, so that order could be established in this administrative sphere of the SS. I stated on that occasion that it would be more correct to have these workers used in war, not for peace buildings and so forth but rather to have the work in a steel plant at Linz.

Q. Will you describe the visit to the camp ?

A. My visit ostensibly followed the program as described by the witness Blaha. I saw the kitchens, the laundry, the barracks and living quarters. These barracks were put up of rather massive stone and were models of modern equipment. Since my visit had been learned of only a little bit in advance, preparations could have been made before my visit. Nevertheless, on sight, the small part of the camp which I saw made a model impression when it came to cleanliness. However, I did not see any of the workers, any of the camp inmates, since at that time they were all engaged in work. The entire inspection lasted perhaps forty-five minutes, since I had very little time at my disposal for a matter of that kind and it was quite against me spiritually to even enter a camp where these prisoners were being kept.

Q. The main purpose of your visit was to have the work stopped in those things which you did not consider were contributing to war ?

A. Yes.

Q. Upon your visit, could you learn about the working conditions that applied in this camp ?

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A. No, I couldn't do that since no workers were to be seen in the camp and the harbor installations were so far from the street that I couldn't see the men who were working there.

THE PRESIDENT: The translation that came through to me was that it was against him spiritually to enter such places. Was that correct ? Well what did you say ?

DR. FLAECHSNER: I asked him whether, on the occasion of this visit, he could see the working conditions which applied, whether he could have seen them. That was my question.

THE PRESIDENT: Well, did you say anything about "spiritually" ?

THE WITNESS: No.

BY DR. FLAECHSNER:

Q. Did you learn, on your visit at Mauthausen or on another occasion about the cruelties and atrocities which took place at this concentration camp and at other concentration camps ?

A. No.

Q. Now, I should like to conclude my questions on the utilization of workers by asking you, did you have any interest in the fact that a healthy labor supply would be at your disposal ?

A. Yes, naturally. I had the utmost interest along this line even though I was not competent. Beginning in 1942, in armament, we had the assembly line system, and in this system there was a tremendously large percentage of skilled workers. Because of military service, these skilled laborers had become especially important, so that any loss of a worker or the illness of a worker meant a tremendous loss for me as well.

Since a worker needed an apprenticeship of six to twelve weeks and training after this period for six months, the loss is a large one, Since only after half a year you can expect quality work to be done by a worker, it can be seen clearly that the care and the welfare of skilled workers in industry was of special interest to us.

Q. The prosecution holds the point of view of the extermination of workers by work. Could a change, if it had taken place through destruction by work , could that be tolerated by an industry ?

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A. No. A change in the workers, in the way in which it was described here, is completely untenable for any industry. It is completely out of the question that, in any German industry, any anihilation took place without me hearing about it. I never heard anything like that.

Q. Mr. Speer, the prosecution asserts that you applied means of terror and brutality so that the achievement of compulsory workers would be increased to the utmost --

A. No.

Q. Just a moment. I haven't finished. And the prosecution is of the opinio that you used SS and police against recalcitrant workers. Did you actually threaten to use such methods ?

A. No, not in that form, for that was against my interests. There were efforts in Germany to bring about increased productivity through certain compulsory measures. However, these efforts were not endorsed by me. It is quite out of the question that 14,000,000 workers can be made to produce satisfactory work through threatening of terror means, as the prosecution says.

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DR. FLAECHSNER: In this connection, please refer to page 7 of the English text, page 4 of the French and Russian text. I should like to quote from Document Speer No. 43. It says there:

"I do not believe that the second system which might be applied in our economy -- the system of compulsion by Industrial Commissioners, or extensive proceedings and punishment when output is insufficient, can lead to success."

Now, Mr. President I have concluded a certain pattern and chapter.

THE PRESIDENT: The court will adjourn.

(The Tribunal adjourned until 20 June 1946 at 1000 hours).